United Nations S/2004/68

Security Council

Distr.: General
26 January 2004

Original: English

Letter dated 19 January 2004 from the Secretary-General to the President of the Security Council

I have the honour to refer to the command of the United Nations Interim Force in Lebanon (UNIFIL).

Following the usual consultations, it is my intention to appoint Major General Alain Pellegrini (France) as Force Commander of UNIFIL. He will replace Major General Lalit Mohan Tewari, who will relinquish the post on 17 February 2004.

I should be grateful if you would bring this matter to the attention of the members of the Security Council.

(*Signed*) Kofi A. **Annan**

04-22043 (E) 260104

United Nations S/2004/69

Security Council

Distr.: General
26 January 2004

Original: English

Letter dated 26 January 2004 from the President of the Security Council to the Secretary-General

I have the honour to inform you that your letter dated 19 January 2004 (S/2004/68) concerning your intention to appoint Major General Alain Pellegrini (France) as Force Commander of the United Nations Interim Force in Lebanon (UNIFIL) has been brought to the attention of the members of the Security Council. They take note of the intention expressed in your letter.

(*Signed*) Heraldo **Muñoz**
President of the Security Council

04-22055 (E) 260104

United Nations S/2004/70

Security Council

Distr.: General
26 January 2004

Original: English

Note by the President of the Security Council

In compliance with paragraph 21 of the work programme for the ninth 90-day period (S/2003/995, annex), the attached report of the Chair of the Counter-Terrorism Committee on the problems encountered, both by States and by the Committee, in the implementation of resolution 1373 (2001) (see annex) is hereby circulated for the attention of the members of the Council.

04-21997 (E) 290104

Annex

Report by the Chair of the Counter-Terrorism Committee on the problems encountered in the implementation of Security Council resolution 1373 (2001)

TABLE OF CONTENTS

INTRODUCTION

I. LEGAL FRAMEWORK

II. DIFFICULTIES OF STATES IN IMPLEMENTING THE RESOLUTION

A. Financing of terrorism

B. Competence of the courts

C. Ratification without enforcement measures

D. Links between terrorism and organised crime

E. Links between terrorism and illegal movement of nuclear, chemical, biological and other potentially deadly materials

III. TECHNICAL ASSISTANCE

IV. COORDINATION AND COOPERATION WITH INTERNATIONAL, REGIONAL AND SUB-REGIONAL ORGANIZATIONS

V. CTC'S STRUCTURE AND PROCEEDINGS

A. CTC's procedures

A.1. Re-identifying Stages A, B and C

A.2. The need for consistency

A.3. Decision making mechanism

A.4. Adequate follow-up of CTC's decisions

A.5. CTC's information sources

B. Financial accountability

C. Communications Policy

D. The Chair

E. The Bureau

F. The Secretariat

G. The Experts

VI. GENERAL CONCLUSIONS

INTRODUCTION

This report emerges from the engagement taken by the Chair of the CTC in the ninth 90-day period working programme of the CTC (paragraph 2(b)). The report intends to identify the problems witnessed through the work of both the CTC and the Member States in relation to the implementation of Resolution 1373 (2001).

Although this report emanates from the Chair, and therefore it is subject to its judgment and its responsibility, the Chair of the CTC has had several meetings with the Member States of the CTC with the intention to produce a report that takes into account the shared opinion among all the members of the CTC.

I. LEGAL FRAMEWORK

Resolution 1373 constitutes a landmark in the international fight against terrorism by creating formal obligations to all 191 UN Member States and with the ambitious task of raising the average level of government performance against terrorism all over the world. The Resolution covers a wide range of fields and has been complemented by the ministerial declarations attached to UNSC Resolution 1377 and to Resolution 1456. Through these Resolutions the Security Council has established the intimate link between the fight against terrorism and other priorities of the United Nations. Especially relevant is that States must ensure that any measure taken to combat terrorism comply with all their obligations under international law, and should adopt such measures in accordance with international law, in particular human rights, refugee, and humanitarian law.

Since the establishment of the CTC, its work and accumulated data have developed and increased to include not only numerous reports comprising various information and legislative measures undertaken by Member States to implement the Resolution, but also liaison activities with international and regional organizations which evolved into collecting information regarding their own anti-terrorism work, agenda, measures and concerns. Thus, today the CTC is in possession of and has an accelerating access to a vast amount of measures and information that are all interrelated in the fight against terrorism. For example, a connection between illicit trafficking in weapons of mass destruction and trans-national organized crime on the one hand, and terrorism on the other hand, was noted in Resolution 1373. However,

CTC practice has shown that anti-terrorism measures related to those fields is interrelated to- and inseparable - from anti-terrorism measures under the Resolution.

II. DIFFICULTIES OF STATES IN IMPLEMENTING THE RESOLUTION

A. Financing of Terrorism

According to paragraph 1 (a) of UNSCR 1373, prevention and suppression of the financing of terrorism is crucial to the Resolution, in order to deprive terrorist groups of one essential means to commit their crimes. However, implementation of this basic obligation of the Resolution has the effect of placing new burdens on banking institutions and financial professions. In certain cases some States argue that the existence of anti-money-laundering legislation is enough to prevent the financing of terrorism. Yet, anti-money-laundering measures do not sufficiently take into account transfers of terrorist funds, which have different characteristics from other criminal funds (for example, they may have a legal origin). The fight against the financing of terrorism should cover anti-money laundering but should also include specific measures taking into account the specific nature of this problem.

Efforts to prevent the financing of terrorism are therefore undermined by the lack of transparency of international financial transactions and the weakness of national legislation to prevent inflows of criminal money. As stated in paragraph 4 of the Resolution, the situation is in every aspect identical to that of the recycling of funds from major trafficking activities (drugs, weapons, works of art, dangerous materials, and corruption). A sizable effort by the international community will be required to improve matters.

We must also be aware that even if the whole banking system is protected from transactions, related directly or indirectly with terrorist, it still wont be enough to prevent terrorist from having access to other sources of financing. Measures that will improve State control over illegal or even informal financing system should be considered as an essential complement to the present banking regulations.

The identification and freezing of terrorist funds are an obligation under paragraph 1 (c) of the Resolution and require States to have administrative or judicial machinery to block criminal funds as a matter of urgency. It should be possible for this

"freeze" to be ordered at the initiative of the competent authorities, the Security Council or at the request of a third State. States' domestic laws too often do not contain such a provision, and steps must be taken to create such machinery. Similarly, the whole question of procedures for seizure of criminal assets remains unresolved in many countries, particularly regarding procedures for mutual international judicial assistance.

Certain non-profit associations have been used by terrorists, either to disseminate terrorist propaganda or by collecting funds that are diverted for the benefit of terrorist groups. It is particularly difficult to monitor such associations, both for technical reasons (the sector is by nature informal) and for political reasons (increased oversight of the associations is considered to be a restriction of public freedoms). In fact, there is hardly any monitoring of the finances, structures and activity of the associations in the context of counter-terrorism requirements. Certain recommendations have been made by international organizations on this subject, that should be disseminated to States, following the provisions contained in paragraphs 1 and 2 of the Resolution.

B. Competence of the courts

The Resolution, in its paragraphs 2(c) and 2 (e), obliges States to prosecute and try all those responsible for acts of terrorism, wherever they are committed. This measure is designed to ensure that terrorists have no place of refuge, since each State will be competent to try them or extradite them. However, some States have shown certain reluctance to create such mechanism in their legislation. Therefore, very broad ratification of the anti-terrorist conventions is among the methods used to achieve this goal of the Resolution, so as to create an international co-operation network and institutional machinery for mutual assistance and extradition. Ratification of the international conventions by all UN Member States is therefore a priority goal for the achievement of the task of the CTC. A further method that is also essential for creating a network of international co-operation is to have laws on mutual assistance in criminal matters in place among all States.

C. Ratification without enforcement measures

For reasons previously explained, universal ratification of the international anti-terrorist conventions is an important way to broaden anti-terrorist activities, as stated in paragraph 3 (d) of the Resolution. A significant impetus to ratification was initiated in 2001 and many countries have become party to the main conventions, although

important regional disparities remain. However, the reports submitted to the CTC reveal that too many countries ratify these conventions without proceeding to adopt internal enforcement measures, without which these conventions can have no practical effect. There must be follow-up machinery, either through technical assistance programmes or as part of the work of CTC, in order to monitor the relevance and effectiveness of the implementation of these conventions.

D. Links between terrorism and organized crime

Organized crime and terrorism are "two sides of the same coin". The manifestations of these two types of criminality are often similar in their modus operandi and in their effects. In addition, it has been observed that trafficking generated by organized crime (drugs, weapons, contraband) often constitutes one of the sources of financing for terrorists. Thus efforts to combat organized crime are a direct means of preventing terrorist phenomena, as it is pointed out in paragraph 4 of the Resolution. Publicity about means of combating organized crime, such as ratification of the relevant conventions on the subject, increased monitoring of transactions involving highly valuable objects (precious metals and gems) or sensitive materiel (weapons, dangerous materials) should be given greater attention by the CTC in its dialogue with States.

E. Links between terrorism and illegal movement of nuclear, chemical, biological and other potentially deadly materials

Illegal movement and/or trafficking in nuclear, chemical, biological and other materials are interrelated with the fight against terrorism in general, and with the Resolution in particular (the latter's interrelation originates from measures under the Resolution aimed at preventing the threat posed by the possession of weapons of mass destruction by terrorist groups, contained in paragraph 2, 3(a) and 4 of UNSCR 1373). For example, measures like border and exports control, early warning, and the exchange of information may contribute effectively to enhance the measures undertaken by WMD-related international organizations aimed at preventing the possession of the above materials by terrorist groups. To such end, the CTC should play a more pro-active role in promoting effective implementation of the anti-terrorism action plans of those WMD related International Organizations, existing legal obligations in the field of disarmament, arms limitation and non proliferation, as well as those regional and international instruments aimed at combating the illicit

manufacturing and trafficking of small arms and weapons. In order to do it in an efficient way, the CTC needs expertise in areas such as WMD, small arms, Self-Portable Air Defence Systems (MANPADS), etc.

III. TECHNICAL ASSISTANCE

Technical assistance is one of the main components of the CTC's work. It contributes to help States build their capacities to combat terrorism; it facilitates interstate co-operation; and it improves the protection of States against terrorism. Offering assistance to States, which are willing to avail themselves of it, will enhance their technical capabilities in attaining international counter-terrorism standards. In addition, assistance is also important for those States having difficulties in implementing the outlined measures of Resolution 1373.

Although the CTC does not directly provide technical assistance to the States, it presently functions as a switchboard between the requests and the donors of assistance. In this sense, both the CTC Assistance Matrix and the Directory have been important tools as a guide to the assistance needs of States. However, as the CTC is assuming a more proactive role in technical assistance, its present structure and working methods, in this particular field, need to be revisited in order to increase its efficiency. In order to make both the Matrix and the Directory useful instruments, the CTC will need a procedure allowing itself to decide which assistance given or offered by States and international organizations is directly related to the fight against terrorism and therefore should be included. The reformed Matrix and Directory should also be updated on a day to day basis.

It is crucial for the CTC to play a more proactive role in the following critical areas:

a. Evaluate and prioritize the specific needs of States in relation to technical assistance. It must also conduct consultations with States in order to assist in assessing the gaps in their capacity and related assistance needs, including through field missions, with the consent of States and in collaboration with regional and international organizations, as appropriate. Advise each State on the sources and availability of assistance in the

context of the priorities set by the CTC. Provide guidance to States on how to request assistance.

b. Enhance relations with current and potential assistance providers (State or organization) with a view to maintain a 'brokerage' scheme to facilitate the provision of assistance targeted according to priorities identified by the CTC.

c. Technical assistance should be considered as a horizontal priority of all the CTC's work. In the future, assistance should be addressed in a tailored approach to each state taking into account its own specific characteristics. Therefore, every single part of the letters should take into account the question of assistance. For example, while identifying a problem the CTC should also offer itself to help the State in the process of finding adequate technical assistance. The CTC should also encourage States to assist others in particular fields in which they have special expertise or experience.

d. Serve as a focal point for counter-terrorism action plans, including assistance programs, undertaken by international and regional organizations, in as much as the CTC should be consulted when those action-plans and assistance programs are elaborated by international organizations for the purpose of implementing the Resolution. Urge States to submit requests for assistance to relevant organizations as such requests are often a prerequisite for obtaining assistance.

e. Monitor the assistance provided to States, including by field missions, with consent of the States concerned, both to confirm its suitability in relation to the identified needs and, equally, to ascertain its effectiveness and the results which it has helped to achieve.

f. The present structure of the Technical Assistance Team should be reconsidered. Assistance would be no longer a separate part of the CTC's work but one of its main priorities, therefore, a reinforcement of experts in technical assistance will be needed.

IV. COORDINATION AND COOPERATION WITH INTERNATIONAL, REGIONAL AND SUB-REGIONAL ORGANIZATIONS

The CTC has established a high level of co-operation with a number International, Regional and Sub-regional Organizations in terms of information flow on the nature of assistance programs related to the Resolution.

The desired level of co-operation and co-ordination between the organizations and the CTC has not yet been fully achieved. While initial contacts have been established, the modalities for exchange of crucial information with certain International Organizations cannot be formalized through mere contact points, due to the confidentiality rules and the regulations under which the international organizations operate. These constraints apply, in particular, to evaluations and assessments that require the State's consent for the release of information.

Greater co-ordination will be required, particularly with regard to new or existing programs of international organizations. So far, the CTC has mostly been engaged in collecting information concerning these programs with a view to advising needy States of their availability. It will be necessary for the CTC independently, or jointly with international organizations, to be able to undertake monitoring and evaluation of effective implementation of these programs.

In those cases where regional or sub-regional organizations lack the capacity to fulfill the role that the CTC has set for them, it will be necessary for the CTC to explore ways it can provide some guidance considering that they are generally those organizations whose member states are furthest behind in fulfilling their obligations under the Resolution.

Finally, the CTC should explore ways to formalize its relationship with international, regional and sub-regional organizations in order to be able to share essential information and work together for the effective implementation of the Resolution.

V. CTC'S STRUCTURE AND PROCEDURES

A. CTC'S PROCEDURES

A.1. Reevaluating Stages A, B and C

Reevaluating identifying stages A, B and C is an essential issue in order to ascertain how the CTC could move ahead with its monitoring mechanism. At the beginning of the CTC's work, Stage A required that Member States should have adequate legislation in place to combat terrorism. Stage B aimed at having executive

machinery in place with corresponding legislative measures reported to the CTC under Stage A. Stage C addresses interstate co-operation to fight terrorism, which also requires, the existence of legislative measures in place, as well as an executive machinery enforcing those measures. It derives from the above that the three Stages are interrelated and could be classified in two categories: legislative and operational.

As far as the CTC monitoring the adoption of necessary legislation by Member States, the categorization of the CTC's work into the previous stages has become progressively artificial. While this served well at the early stages of the work of the CTC, today, this categorization may limit the CTC in moving ahead with its monitoring mechanism.

Another problem directly related with the stages system is that United Nations Member States are perceiving it as a kind of evaluation by the CTC of their performance in the field of fighting terrorism. Furthermore the stages do not provide either the CTC, the Security Council or the United Nations with clear a picture of the States' real situation or efforts in their implementation of resolution 1373. In addition to all this, the absence of a clear procedure and criteria to determine whether a State is in stage A or B or C have caused serious problems among the CTC's work. For all these reasons, a reevaluation of stages A, B and C is therefore needed to better reflect States' implementation of Resolution 1373. This could include a method for providing the Security Council and States with more detailed information concerning their progress in implementing Resolution 1373.

A.2. The need for consistency. The present system of writing the drafts of the letters that the CTC's addresses to Member States which are first discussed in the subcommittee and then passed to the committee for final approval has led to a lack of consistency between some of them (differences in wording, the way subjects are considered, how questions are asked, etc.). The CTC should implement a system that corrects this problem while taking into account a tailored approach.

It is also important to establish a formal mechanism to allow all Member States of the CTC to express their views directly to the sub-committees.

A.3. Decision making mechanism. Continuing to recognize the convenience of working by consensus, in order to foster the work of the CTC, it should take progressively more advantage of issuing mandates to the Chair, the Bureau or other to

carry out certain aspects of its own work so it can be done in a more efficient way. These mandates should be concrete while having a certain degree of flexibility and will always be under proper supervision of the CTC. At the same time, all relevant actions should be presented to the CTC for its approval.

A.4. Adequate follow-up of CTC's decisions. The present structure of the CTC is adequate for its present tasks but it is insufficient if the CTC wants to be sure that it's own decisions are properly carried out. A check out mechanism should be established that can enable the CTC not only to follow up it's own work but also evaluating it in order to find ways to improve it.

A.5. CTC's information sources. At the present moment the main source of information for the CTC are the reports send by member States answering to the CTC's previous letters to them. By strengthening its co-operation with international organizations and with other UN bodies (such as the 1267 Committee) the CTC has improved its sources of information. However, further steps should be taken in this direction such as the creation of a small team dedicated to gather information from other sources or the possibility to ask for concrete information to other parts of the UN System.

B. FINANCIAL ACCOUNTABILITY

With the present structure of the CTC it is not easy to have a clear idea of its costs or the resources available to it. This situation prevents the CTC from having an accurate evaluation of its performance. In this sense, a complete budget may also be necessary to allow a certain degree of accountability of the CTC's work by the Security Council and the United Nations.

C. COMMUNICATIONS POLICY

In order to make international public opinion aware of what the United Nations is doing for the fight against terrorism, at the global level and in co-operation with all Member States, it is necessary to develop a communications policy, as was done for other important issues like human rights, drugs, land mines, etc. The CTC has to be

seen to be taking a leading role on a matter that is at the center of the world's attention. There is an urgent need to have expertise in this area.

The website of the CTC requires improvement. Firstly, it has to be kept up-dated in all the official languages since now it is the main source of public information about what the CTC is doing in counter-terrorism. In terms of presentation, some changes are also necessary better to reflect all aspects of the CTC's work.

D. THE CHAIR

The main role of the chair should be that of building and maintaining consensus among Member States about the importance of the fight against terrorism for the international community while, at the same time, giving substantive political direction to the work of the CTC.

At the present moment the chair is also in charge of day to day matters (logistics, meetings, personnel, etc.) which demands a considerable amount of time and resources. Because of this and due to the CTC´s present structure, only a medium size or larger delegation would be able to carry effectively the job. As such restriction is not politically wise there is an urgent need to provide the chair with the proper permanent structure that will allow a small sized Missions to take the chair without any negative impact on the CTC´s work.

E. THE BUREAU

In order to deal, in a more efficient and expedited way, with an array of issues that do not merit to be brought to the level of the plenary of the Committee for action, it is essential to revitalize the role of the Bureau of the CTC. The Chairman could get the agreement of the other members of the CTC regarding the nature of those issues that taken by the Bureau, later informing the rest of the Committee about the decisions adopted.

At the same time, the Bureau needs to give to the Sub-Committees guidelines to harmonize and assure the necessary consistency in their work of conducting a dialogue with the Member States.

F. THE SECRETARIAT

At the present moment the secretariat personnel assigned to the CTC depends directly from the Secretariat of the United Nations. The CTC and the Chair since the later is, at the present stage, the day to day head of the CTC, should have a voice in the recruitment and selection of these personnel, as well in the evaluation of their performance.

G. THE EXPERTS

To date, CTC "experts" have been considered as short-term consultants for contractual purposes, and thus have been recruited under "Special Service Agreements" (SSAs). SSAs are designed mainly for one-off, temporary situations. Thus it provides only a salary without any other benefits accorded to persons hired by the UN under other contractual arrangements. This circumstance is in contrast to the reality of the CTC. Due to the CTC's need for continuity and consistency, expert positions have been fielded for periods of time well exceeding one year. CTC experts possess highly specialized backgrounds and experience, and they are recruited on the basis of a broad geographical distribution. This results in situations where senior people with unique qualifications in the limited field of counter-terrorism are expected to come to New York for an indefinite period of time but with only a short-term assurance of compensation, without any benefits that would make living in New York feasible, let alone compensate them for the disruption of their careers. In most cases this also results in a disruption of their family lives as well, since without the usual benefits such as medical insurance etc., it is unthinkable to bring their families.

Since today all experts dependent directly from the Chair it has been obliged to assume the role of chief of personnel which consumes a lot of time and effort. In this aspect there is also a need to have a coordinated and unified voice from the team of experts.

In conclusion, the present contract situation of the CTC's experts should be reviewed in order to find a better and more satisfactory way to assure proper long-term commitment to the CTC while providing just working conditions.

VI. GENERAL CONCLUSIONS

From all the above issues it is clear that the implementation of Resolution 1373 is encountering serious problems, both at the States and at the Counter Terrorism Committee levels. These should be tackled in a comprehensive way due to the intimate interaction between them and the urgency of the task. In order to find adequate solutions to all, or most of them, the present Chair of the CTC should summit a further report including specific and practical measures to be taken in the near future in order to comply with the CTC´s task of implementing Resolution 1373.

United Nations S/2004/71

Security Council

Distr.: General
26 January 2004

Original: English

Report of the Secretary-General on the United Nations Interim Administration Mission in Kosovo

I. Introduction

1. The present report is submitted pursuant to Security Council resolution 1244 (1999) of 10 June 1999, by which the Council decided to establish the United Nations Interim Administration Mission in Kosovo (UNMIK) and requested the Secretary-General to report at regular intervals on the implementation of the mandate. It covers the activities of UNMIK and developments in Kosovo, Serbia and Montenegro, from 1 October to 31 December 2003.

2. The main event during the reporting period was the announcement on 5 November of a mechanism to review the progress of the Provisional Institutions of Self-Government towards meeting the benchmarks in the "standards before status" policy. This mechanism envisages that, depending on progress towards reaching the standards as assessed during quarterly periodic reviews, a first opportunity for a comprehensive review of progress should occur in mid-2005. Initiation of the political process to determine Kosovo's future status will depend on the outcome of the review. The review mechanism has given new momentum to the "standards before status" policy and refocused the work of the Provisional Institutions on meeting the benchmarks contained in the eight areas covered by the "standards before status" policy. On 10 December, my Special Representative, Harri Holkeri, and the Kosovo Prime Minister launched the "Standards for Kosovo" document, which elaborates on the original standards paper and sets out in clear and detailed terms the standards that Kosovo must reach, in full compliance with resolution 1244 (1999), the Constitutional Framework and the original standards/benchmarks statement endorsed by the Security Council, adhering to the primacy of the regulations promulgated by UNMIK and subsidiary instruments thereunder as the law applicable in Kosovo. The document was prepared by my Special Representative in close consultation with the Provisional Institutions and all major political parties in Kosovo, including Coalition Return, as representatives of the Kosovo Serb community, and political parties representing other smaller ethnic groups, including the Turks, Ashkali, Roma, Egyptians and Bosniaks. UNMIK kept Belgrade informed during the preparation of the document and Belgrade was able to provide its views on it. However, Belgrade found the document unacceptable when it was launched. It took the view that the consultations had not been sufficient and that the document undermined resolution 1244 (1999). The Kosovo Serb leadership also distanced itself from it, as did some Kosovo Albanian leaders.

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3. Following the launch of the "Standards for Kosovo" document, and under the auspices of a Steering Group co-chaired by my Special Representative and the Kosovo Prime Minister, UNMIK and the Provisional Institutions convened meetings of five working groups covering the eight sets of standards. The first task of these working groups is to prepare a work plan for the implementation of the standards, which will set out the policies and specific, concrete and measurable steps to be taken by the Provisional Institutions to reach the standards, including, wherever possible, a timetable for the implementation of those policies and steps. The working groups consist of representatives from UNMIK and the Provisional Institutions. However, despite repeated invitations by my Special Representative and Kosovo Albanian leaders, Kosovo Serb representatives have not yet participated in the working groups.

II. Functioning Democratic Institutions

4. The announcement of the "Standards for Kosovo" document and, in particular, the launch of the process of review of standards implementation has led to a renewed atmosphere of cooperation between UNMIK and the Kosovo Government. However, cooperation on privatization and direct dialogue with Belgrade remains difficult.

5. UNMIK completed the transfer of responsibilities under chapter 5 of the Constitutional Framework to the Provisional Institutions at the end of 2003. Belgrade and Kosovo Serb leaders have challenged this transfer as going beyond resolution 1244 (1999) and the Constitutional Framework. While UNMIK remains committed to the establishment of effective provisional self-government, it will also seek to involve the Provisional Institutions in an advisory and consultative capacity within the specific areas reserved for my Special Representative in chapter 8 of the Constitutional Framework. This increased involvement will not affect the powers and responsibilities reserved to my Special Representative. As part of this process, UNMIK is reviewing the Government's proposal for the creation of a number of offices within the Office of the Prime Minister tasked with internal coordination and liaison with UNMIK and will strongly recommend that such offices be staffed by civil servants in order to provide continuity, accountability and adequate representation of all communities. To improve coordination between UNMIK and the Provisional Institutions, my Special Representative now has a Government Liaison Officer within his Office.

6. Political appointees throughout the Government have begun to take a more active role in executive functions and responsibilities. Although, on the one hand, that has resulted in some successes in moving legislation and policy decisions forward, it has, on the other, resulted in blurring the division of responsibilities between political appointees and civil servants. Civil servants are under increasing pressure to act on the basis of political directives even if that implies not following proper procedures and acting against the Kosovo Civil Service Code of Conduct.

7. During the reporting period, 20 legal initiatives and 8 draft laws were approved by the Government. The preparation of legislation has continued to improve. With the assistance of the European Union, a Standardization Unit has been set up in the Office of the Prime Minister, which checks all laws for compatibility with European Union law and the Constitutional Framework. An

inter-ministerial Working Group on the Legislative Strategy for 2004 identified 117 laws that should be drafted before the end of this administration's term in late 2004. Although the strategy includes a comprehensive list of laws, it does not provide a clear sense of priorities. On important issues such as standards, dialogue with Belgrade and privatization, policy decisions continued to be made without proper preparation and documentation. The lack of background materials and discussion papers has been previously raised on various occasions by a number of Ministers. The appointment of a Secretary of Government, tasked with preparing the agenda and vetting the documents for government meetings, has so far not raised the quality of preparations. Documents frequently continue to be submitted in only one of the official languages. The Ministries either do not issue correspondence in Serbian, or do so only with delay.

8. The functioning of the Kosovo Assembly in the preparation of legislation has slowly continued to improve. The Assembly approved 8 laws and, during 2003, a total of 28 Assembly laws have been promulgated by my Special Representative. The public hearings held by the Assembly during the reporting period on the draft gender equality law, draft anti-discrimination law and the draft health law are indicative of some increased transparency in its work. The Budget Committee and Committee for Finance and Economy held twice-weekly joint meetings with municipalities and offices within the Provisional Institutions and UNMIK in order to discuss individual budget proposals for 2004. On 31 December, my Special Representative promulgated the Kosovo Consolidated Budget for 2004 as an UNMIK regulation after consultation with the Economic and Fiscal Council. The draft budget was prepared by the Kosovo Government and approved by the Assembly. The projected expenditures of €632 million will be fully financed by Kosovo's own revenues. The 2004 budget is the first to be prepared and managed by the Kosovo Minister of Finance and Economy.

9. In some instances, however, the Assembly has reverted to adopting declarations and decisions in areas which are clearly outside its responsibility in accordance with the Constitutional Framework. Among them was the Assembly's approval of a recommendation of its Committee on Judicial, Legislative and Constitutional Framework Matters to abrogate "all constitutional, legal, and sub-legal acts, decisions, and other acts issued by Serbia and Yugoslavia after 22 March 1989". My Special Representative immediately declared the Assembly's decision to be beyond its competence and without validity and effect. On 22 December, the Kosovo Assembly passed a declaration that called for the abolition of the right of Kosovo Serbs to vote in the 28 December Serbian parliamentary elections, leading to a walk-out by the Coalition Return for the first time in many months. UNMIK stated that it would not countenance interference with anyone exercising democratic rights in Kosovo. The Serbian parliamentary elections took place in Kosovo without any incident. Recent plenary sessions of the Assembly have been marked by procedural violations and inconsistencies in the counting of votes. A significant number of Assembly members have raised objections, but the practice has not yet been corrected. A working group on proposing amendments to the Constitutional Framework was established in October. If the proposals are supported by two thirds of the Assembly, my Special Representative will take a decision on which of the proposed amendments, if any, are acceptable and compatible with Security Council resolution 1244 (1999) and the Constitutional Framework.

10. Coalition Return participated actively in plenary sessions and continued to use the special procedure under the Constitutional Framework, which provides safeguards for the vital interests of communities. While that special procedure does not prevent Coalition Return from being outvoted, it does ensure that members of communities can effectively challenge a law adopted by the Assembly if they consider that the vital interests of their community are affected. For example, when the Assembly rejected the recommendations of a special panel formed after the Coalition Return's objections to a draft law on a population and housing census, my Special Representative did not promulgate the law and returned it to the Assembly for reconsideration and necessary adjustments to ensure the right of all communities to equitable participation in the census.

11. A modest positive trend in the functioning of the municipalities continued. Throughout 2003, and in particular during the reporting period, several municipal assemblies displayed a commitment to public consultations; however, there remains much room for improvement in that area. In addition, for the first time, all of Kosovo's municipal assemblies completed their budgetary processes for 2004 before the promulgation of the 2004 budget, allowing the municipal administrations to access funds earlier. The functioning of joint Kosovo Serb-Kosovo Albanian municipal administrations also improved slightly during the reporting period, particularly in the Gnjilane region. Still, UNMIK Municipal Representatives had to intervene in order to suspend decisions relating to, inter alia, the misuse of public funds and attempted misappropriation of land under the administration of the Kosovo Trust Agency. UNMIK also had to step in on occasion in order to ensure compliance with the rule of law. As a result, there have been signs of improvement in the municipalities' actions within the scope of their responsibilities under UNMIK Regulation 2000/45 on local self-government in Kosovo. The functioning of the mandatory municipal committees has improved slightly compared to the last reporting period. In 11 of the 27 mixed municipalities, Communities Committee meetings are held on a monthly basis. The improvement reflects the impact of recently issued UNMIK administrative instructions clarifying the mandate and role of the committees. The Democratic Party of Kosovo is still boycotting participation in the Communities Committee in Vitina, while Kosovo Serbs are boycotting the work of the respective Communities Committees in four other municipalities. In relation to the municipal budget for 2003, fair-share financing results at the end of September 2003 (the latest date for which figures are available) showed that there was further incremental improvement in minority spending through the municipal budgets. Eight out of 27 mixed municipalities met the minimum levels of fair-share financing in all three budget lines, up from six in the first half of 2003. Six municipalities achieved fair-share financing in two out of three budget lines, as compared to only four in the first half of 2003.

12. Following political gridlock, which had affected the functioning of some municipalities earlier in 2003, most municipalities were active in the field of local law-making in the reporting period. However, minorities still have very little impact on the decision-making process in municipalities; the involvement of committees and civil society in the drafting process remains rare; and municipal regulations are not properly implemented and enforced. Translation of official documents in many municipalities remains unsatisfactory and relies on UNMIK initiatives and resources. The Statistical Office of Kosovo (within the Ministry of Public Services) has directed the "standardization" of municipal and village names by using the

Albanian name only, in violation of UNMIK regulations. UNMIK has insisted with the Minister of Public Services that the rule of law must be upheld and applicable legislation complied with. A joint UNMIK-Provisional Institutions review process has been launched.

13. The Council of Europe Decentralization Mission officially released its report entitled "Reform of Local Self-Government and Public Administration in Kosovo — Final Recommendations", after nine months of wide-ranging consultations with local and international interlocutors. The initial reaction of some local leaders was cautious and critical. The report is currently under review by UNMIK and the Provisional Institutions. In Mitrovica, the UNMIK Administration continued to implement infrastructure projects and service delivery programmes. A second bus service was started, connecting communities in the northern and southern part of the city. However, Belgrade-supported parallel structures in the northern part of the city continued to exist. The Serb members of the Advisory Board have been granted control of the €1 million received monthly from Belgrade, designated for local government purposes. The Serb local staff members of the UNMIK Administration are also receiving salaries from Belgrade in addition to their Kosovo civil service salaries.

14. In addition to Mitrovica, the work of other municipalities was also hampered by Belgrade-supported parallel structures, which are detrimental to inter-communal relations and undermine the efforts of legitimately elected municipal officials. Even where Kosovo Serb employees wish to work as part of the Provisional Institutions, they are often pressed to choose sides by the Serbia and Montenegro/Republic of Serbia Coordination Centre for Kosovo and threatened with the withdrawal of pensions and other social benefits. In the health sector, the Serb Ministry of Health has continued to exercise control over the Health House in Gracanica (Pristina region) and its branches since September 2003. The Coordination Centre, whose activities have increased during the reporting period, appears to have become better organized and better funded, executing projects and becoming more committed to provide the Kosovo Serb community with social and administrative services which they otherwise lack or which compete with structures of the Provisional Institutions. The Centre has attempted to formalize the status of its offices in Kosovo, but it declined to provide information on the exact function and responsibilities of each office, as required by UNMIK.

15. Minority employment, at the central and municipal levels, has slightly improved, but continues to be unsatisfactory. The recent hiring freeze in the Kosovo civil service, which did not, at UNMIK's request, apply to minority communities, has led to an increase of approximately 1.5 per cent in the number of minority civil servants, but none of the Provisional Institutions has reached target levels. Kosovo Serb and non-Serb minority community members together constitute about 10 per cent of the civil servants employed within the structures of the Provisional Institutions at the central level. The large disparity in the proportional representation of non-majority communities in senior level positions, with a mere 1.2 per cent of minority civil servants holding such posts, persists. Within the 30 municipalities, minority representation seems to be slightly higher; however, the representation of municipal minority employees in senior level positions is less than 1 per cent. Overall, Kosovo Serbs constitute 12 per cent and non-Serb minorities 3.3 per cent of all municipal employees (municipal administration, health and education). The trend towards politicization of the civil service continued with UNMIK finding that there

are indications in 22 municipalities that the appointment of senior civil servants has been made predominantly on the basis of political considerations.

16. The Provisional Institutions still have a poor record of placing women in high-level and managerial positions. The presence of women in legislative bodies reflects only the minimum legal requirements for gender representation in electoral lists, with 33 out of 120 seats in the Kosovo Assembly and 28 per cent of all municipal assembly seats being occupied by women. In the public sector, there is only 1 woman minister out of 10 ministers, 1 woman permanent secretary out of 9 permanent secretaries, 7 women out of 18 parliamentary committee heads, and only 2 women out of 30 chief executive officers in municipalities.

17. The Government has still not forwarded a draft law on the Independent Media Commission to the Assembly. In the meantime, the Temporary Media Commissioner continues to ensure that Kosovo media conform to international standards. As part of that task, a Revised Policy on Radio and Television Licensing was issued, allowing for limited exceptions to the current licensing moratorium. The exceptions cover applications for licenses for areas that are currently underserved by local media and applications for multi-ethnic stations, in order to promote and encourage broadcasters in Kosovo who are committed to multi-ethnic programming and thus serve as a significant source of constructive, inter-community dialogue. During the reporting period, the Temporary Media Commissioner also processed 10 complaints about media content. The Commissioner's guidelines on enforcement of copyright protections entered into force on 1 January. A contract signed between the public broadcaster, Radio-Television Kosovo (RTK), and the Kosovo Electricity Company (KEK) in November established a public broadcasting fee collection system to provide some 57 per cent of the total operating budget of RTK.

18. UNMIK has begun to prepare for the 2004 Kosovo-wide Assembly elections, with the establishment of the operational arm of the Central Election Commission (CEC). The CEC secretariat will be independent from, yet supported by the Provisional Institutions. The Organization for Security and Cooperation in Europe will retain control over sensitive aspects of the election operation, including the management of the voters list, the operation of the central count and results centre and supervision of the by-mail voter programme. The Elections Working Group continued to meet to formulate recommendations to my Special Representative on the regulatory framework for the 2004 elections, to be presented by the end of January.

III. Rule of law

19. There has been a stabilizing trend in the crime situation in Kosovo since 1999, resulting in an improvement in the overall security environment, although there is room for further improvement. During the reporting period, the overall trend has continued to be a decrease in serious crimes, despite a peak in November. In mid-2003, there was an upsurge in violence against the Kosovo Serb community. However, high profile crimes against Kosovo Serb community members decreased significantly in the last three months of 2003, as did ethnically motivated crimes. There were several worrying attacks on local Kosovo Police Service (KPS) officers during the last three months of 2003. The murder of two KPS officers near Decani (Pec region) on 24 November followed the murder of another in Djakovica (Pec

region) on 6 September, as well as attacks against other KPS officers in September. That may be a consequence of the fact that members of the KPS are increasingly involved in criminal investigations and therefore perceived as a threat to organized crime. However, one of the possible lines of enquiry is that the incident in Decani may have resulted from unresolved differences arising from the conflict between Kosovo Albanian factions. There have also been incidents directed at UNMIK staff.

20. As a result of the improved security and public order situation, public order remained stable. The number of demonstrations declined significantly. During the October to December period, there were 24 public demonstrations, as compared to 31 in September alone and 79 between June and August. Two significant public disorder incidents occurred. In southern Mitrovica, a crowd demonstrated against the decision to take down an Albanian flag that had been illegally raised over the Mitrovica municipality building. In an incident on 6 December, a violent mob attacked a World Bank delegation and the Kosovo Prime Minister in the northern part of Mitrovica, during which one member of the World Bank delegation received minor injuries and four vehicles, including two police vehicles and a United Nations bus, were burned. That attack demonstrated that the perpetrators are organized and prepared to use violence.

21. The increasing involvement of Kosovo's residents in the KPS is yielding results. There have been achievements in the fight against organized crime and terrorism. In the case of the bombing of a railway bridge in northern Kosovo in April 2003, investigators identified a ring of conspirators, arrested one suspect and issued warrants against other perpetrators. On 27 October, police arrested five Kosovo Albanian males on charges relating to war crimes committed against other Kosovo Albanians in 1999. Seven persons wanted in connection with various terrorist activities were also arrested during the reporting period. The Counter-Terrorism Task Force investigated seven cases, arrested three persons and undertook several joint anti-terrorist operations along with the Kosovo Force (KFOR), leading to the seizure of important evidence. On 9 October, the Kosovo Organized Crime Bureau in cooperation with UNMIK Customs, seized 36 kilograms of heroin at the Vrbnica border crossing with Albania and arrested three suspects. This was the largest seizure of heroin in four years. On 3 December, UNMIK Police and Customs officials intercepted 6 kilograms of narcotics at Pristina Airport.

22. Since UNMIK acquired the technical capability to institute electronic covert measures in September 2003, drug seizures and investigations relating to corruption, white-collar fraud, organized crime and terrorism have increased. That, combined with a sharp increase in prosecutions with a conviction rate of 92 per cent, has considerably improved UNMIK's response to those priority areas. UNMIK also established an Investigation Task Force comprising representatives from the United Nations Office of Internal Oversight Services, the European Union Anti-fraud Office and the Financial Investigation Unit. Its mandate is to initiate, conduct and coordinate administrative investigations to identify fraud and corruption involving UNMIK, the Provisional Institutions, independent bodies and offices established under the Constitutional Framework, as well as publicly owned enterprises, other entities operating with public assets and any other institution or entity performing activities funded in whole or in part from the Kosovo Consolidated Budget. On 10 October 2003, in a joint operation with the Kosovo Customs Service, the Economic Crime Unit of UNMIK police arrested three customs officers and a businessman on charges of fraud and corruption involving smuggling of petrol.

23. UNMIK continues to pursue a regional approach to combat organized crime. On 31 October, a memorandum of understanding on police cooperation was signed by UNMIK with Montenegro adding to the already existing protocols with the Republic of Serbia, the Republic of Albania and the former Yugoslav Republic of Macedonia. That regional approach achieved results on 29 November 2003 when a Kosovo Albanian businessman abducted in Serbia proper was rescued and five Serbian abductors arrested during the first joint operation by UNMIK police and Serbian police. UNMIK also continued to participate in regional initiatives, such as those under the auspices of the Stability Pact, in areas such as terrorism, border control and organized crime.

24. The KPS now numbers 5,704 serving officers, of whom 846 are women and 880 are from minority communities. Four additional police stations were placed under KPS command during the reporting period, bringing the total of such stations to 10. As the KPS approaches a sufficient number and capacity, UNMIK continues to downsize the international civilian police component and its current strength is 3,689. KPS officers now comprise half of the staff of units such as the Trafficking and Prostitution Investigation Unit and the Centralized Drugs Unit. In addition, other units such as the Central Criminal Investigation Unit and Kosovo Organized Crime Bureau now include KPS officers.

25. Efforts to increase minority participation in Kosovo's justice system continued with the appointment on 4 December of 26 new Kosovo judges and prosecutors, including six judges and one prosecutor from the Kosovo Serb community. That brings the total number of Kosovo judges to 316, including 90 per cent Kosovo Albanians, 5 per cent Kosovo Serbs and 5 per cent from other ethnic groups. Prosecutors now number 53, of which about 10 per cent (including 4 per cent Kosovo Serbs) are from minority ethnic groups. Women comprise 25 per cent of judges and 17 per cent of prosecutors. A Municipal Court department and a minor offences court became operational in the Kosovo Serb majority area of Strpce (Gnjilane region), a Court Liaison Office opened in Gracanica (Pristina region) and more are being opened in Novo Brdo (Gnjilane region) and Gorazdevac (Pec region) to increase access to justice for Kosovo Serbs. However, Belgrade has yet to implement provisions of the joint declaration signed in July 2002 on the preservation of pensions and other benefits in order to facilitate the integration of Kosovo Serbs into the Kosovo judicial and prosecutorial system. That led many applicants from the community to withdraw their candidature. Owing to continuing support by the Serbian government, parallel judicial structures still exist in Leposavic, Zubin Potok, and Zvecan (Mitrovica region) and Strpce (Gnjilane region) despite the opening of UNMIK courts in those areas. Parallel "district and municipal courts of Pristina" operate in the southern Serbian city of Nis. That district court issued an arrest warrant for the head of the Kosovo Protection Corps (KPC), resulting in his brief detention on 22 October by Slovenian authorities while in transit through Ljubljana airport. He was released on the intervention of my Special Representative, who informed the Slovenian authorities of the invalidity of the arrest warrant due to lack of jurisdiction.

26. On 4 November, the Dubrava Commission submitted its findings on the riot and fire in Dubrava prison on 4 September, which led to the deaths of five prisoners. The Commission concluded that rioting prisoners were responsible for the loss of life, but that the lack of educational and recreational activities in the prison were also underlying causes of the riot. The Commission made wide-ranging

recommendations relating to security, living conditions, training and service conditions for correctional staff, funding mechanisms and incident management, which are being addressed within current financial constraints. Although prison officials have managed to improve conditions and to stabilize the situation, the situation at Dubrava, as well as at other prison facilities, remains tense owing to crowded conditions throughout the penal system.

IV. Freedom of movement

27. Although freedom of movement has improved somewhat, it still remains a problem in certain areas of Kosovo. Continuing incidents of violence and vandalism, albeit at a lower level than in mid-2003, continue to affect Kosovo's minority communities and have a negative impact on their sense of security. They also undermine confidence in the police, since very few perpetrators have been prosecuted, and since municipal officials tend to play down the incidents and rarely go beyond verbal condemnation. In response to Kosovo Serbs' concerns, KFOR and UNMIK have enhanced security measures in several places, including in Kosovo Serb majority areas and near Orthodox churches. However, given NATO decisions on the reduction of force levels in Kosovo, fixed security points will continue to be phased out. Controls of movement between northern and southern Mitrovica have been lifted.

28. The civil service bus line continues to assist with the daily transportation of minority civil servants to their workplaces in Pristina and other locations in Kosovo. The popularity of the service has grown among minority and majority populations alike. The UNMIK Humanitarian Transport Service (aimed specifically at minorities) transports an average of about 35,000 passengers per month. The local service provider, a Kosovo Serb company, has been operating 25 routes for the past few months with very few incidents. However, there has been an increase in the number of stone-throwing incidents directed at the buses in recent weeks. In addition to its daily operation within Kosovo, the service provides vital links that connect Kosovo Serb residents with onward transportation to Serbia proper. While about one quarter of the Kosovo municipal administrations now provide transportation for their minority staff, the continued failure of majority-dominated municipalities to adequately fund the vehicle requirements of the Municipal Community Office limits the effectiveness of those offices and their ability to protect minority interests. The "freedom of movement" train now includes Gracanica (Pristina region) on its route and currently transports a monthly average of 50,000 passengers.

V. Sustainable returns and minority rights

29. The €7 million allocated by the Kosovo Government from the 2002 Kosovo Consolidated Budget surplus to support returns has been directed to a broad range of returns initiatives throughout Kosovo, with €5 million used to fill funding gaps in projects endorsed by municipal working groups and included on the Returns Coordination Group's list of priority projects. The remaining €2 million was allocated to 39 municipal projects across 21 municipalities that contribute positively

to returns, either directly, or by contributing to municipal efforts to build a tolerant and multi-ethnic society.

30. The 2004 Strategy for Sustainable Returns, launched in December 2003, provides detailed information on funding needs for 2004, amounting to €38.5 million. Numerous projects, which are already funded, are scheduled to begin in the spring of 2004, and more than 75 per cent of the funds needed relate to both returns projects and individual returns. The 2004 strategy also includes expanded participation of the Provisional Institutions and internally displaced persons in the return process, and an improved information flow to the internally displaced, and addresses property-related obstacles to return. The funding appeal for 2004 returns was presented in December to donors in Pristina, jointly with the Provisional Institutions, and in Belgrade, jointly with the Coordination Centre for Kosovo and UNHCR. Cooperation with the authorities in Belgrade on returns projects has improved during the reporting period. The Coordination Centre and UNMIK meet every week to ensure information-sharing and to discuss technical issues. The Provisional Institutions Inter-Ministerial Coordinator for Returns frequently participates in those meetings.

31. The rate of minority returns has continued to increase, although the overall number of minority returns remains low. During 2003, a total of 3,629 persons returned to communities where they are in the minority, including 1,487 Kosovo Serbs, 1,387 Roma/Ashkali/Egyptians, 377 Bosniaks, 133 Gorani and 245 Kosovo Albanians. Returns projects for Kosovo Serbs, Kosovo Albanians, as well as Roma, Ashkali and Egyptians are ongoing in 16 municipalities. While security and freedom of movement remain problems, returns are occurring in many areas where it would have been impossible earlier in the year, including the first Kosovo Serb returns to the southern Mitrovica region.

32. Municipal authorities are playing a supportive role in virtually all locations where returns projects were under way or are envisaged in the near future. As in the past, municipal authorities routinely participate in "go-and-see" visits, and also have travelled as part of "go-and-inform" visits to speak to potential returnees. That support, however, does not always effectively translate into obstacle-free returns at a community or village level, where resistance can be encountered, leading to security concerns. While such resistance is generally dealt with effectively through dialogue efforts, including with the involvement of municipal authorities, when such steps are not taken, the results can be serious, as illustrated on 10 December when 11 Kosovo Serbs who attempted to return spontaneously to Klina town (Pec region) were met by Kosovo Albanian protesters and had to be evacuated by KFOR. Another incident occurred on 13 November when seven displaced Kosovo Serbs participating in a "go-and-see" visit to Musitiste near Suva Reka (Prizren region) were met by a large group of Kosovo Albanian protesters, who attacked their convoy with bricks and stones. Those incidents should, however, be seen in the context of the more than 200 such visits that have been successfully carried out across Kosovo in the past two years and the dozens of returns projects that proceeded in 2003 without difficulties. In the aftermath of the two incidents, the Kosovo Albanian leaders of the Provisional Institutions and political parties gave assurances that they will work with municipal and party leaders at the local level to address existing obstacles and facilitate sustainable returns.

33. There has been little significant change in the access of minority community members either to information in their own language or the ability to freely use their language before courts, agencies and public bodies. The personnel and resources allocated for translation of official documents and interpretation by the Provisional Institutions during meetings remained unsatisfactory, particularly in the municipalities. Official documents, if available at all, are still often available only in one language. The institutional arrangements in terms of personnel and resources allocated for translation of official documents and interpretation during meetings are also unsatisfactory, particularly within the municipalities. It has also been noted that Kosovo Ministries are sending documents to the municipalities in Albanian only. Very few municipalities respect legal provisions for bilingual public signs. Clear divisions remain between the public and social services used by Kosovo Serbs and Kosovo Albanian communities, even in ethnically mixed areas. Such problems are likely to worsen in the future owing to a lack of progress in the key area of education among all communities. Only one new mixed-ethnicity school opened during the reporting period. Neither Kosovo Serb nor Kosovo Roma schools provide Albanian-language classes and Kosovo Albanian schools fail to offer courses in minority languages. If that trend continues, the next generation will be further divided by their inability to understand each other's languages. The University of Pristina began offering classes in the Turkish and Bosniak languages in the faculty in Prizren. In order to address concerns regarding the content of textbooks, a Council on Curriculum and Textbooks was established in order to ensure that textbooks prescribed in Kosovo schools are non-discriminatory, free from prejudices and do not offend any ethnic community.

34. Access to public services and public utilities throughout Kosovo, even if improved, is still problematic. The Kosovo Electric Company (KEK) continues to disconnect service to minorities who have not paid debts accumulated by previous illegal occupants. The public enterprises still fail to employ a fair proportion of minorities and remain essentially monoethnic. The existence of parallel structures as well as restrictions on freedom of movement also adversely impact access to services. At the same time, minority communities remain far behind in the payment of utility bills. Nevertheless, there are positive examples of cooperation. The new system of payment of basic pensions, war invalid pensions and social assistance by private banks, with no direct UNMIK or KFOR support, is proving to be successful, even in minority areas.

VI. Economy

35. The key issue in the economic field during the reporting period was privatization. While there remains a general political consensus in Kosovo on the need for privatization in order to further Kosovo's economic development, differences of view emerged as to the legal basis for the process and the operational policies governing the privatization of socially owned enterprises in Kosovo. After several weeks of dispute, the Kosovo Trust Agency Board, responsible for the privatization process, decided on 16 December to resume the privatization of all 23 enterprises from the first and second wave of tenders and agreed that those from the third wave would be resumed in the near future.

36. Kosovo remains one of the poorest economies in a poor region. Although statistical data is still fragmented, the Kosovo Ministry of Finance and Economy and

international financial institutions have drastically adjusted gross domestic product (GDP) figures downwards for the period 1999-2003. The GDP for 2003 is now estimated to be €1.34 billion, or approximately €700 per capita. Twelve per cent of the population lives in extreme poverty, and 80 per cent of private farms are between 0.5 hectares and two hectares, a size that is barely enough to feed a family. Growth is still driven by two main factors: foreign assistance and remittances from abroad. Thus, Kosovo's economy is unable to maintain current growth and welfare levels without donor assistance. Owing to growing exports and declining imports, Kosovo's trade balance for 2003 improved from the 2002 deficit of €1.7 billion, but is still grossly negative.

37. Unemployment remains at between 50 and 60 per cent. Job creation will be the most pressing challenge for the years to come. Projected changes in the demographic structure of the population indicate that Kosovo will need to increase the number of jobs by more than 50 per cent over the next five years in order to absorb the large number of new job-market entrants. Kosovo's labour force currently stands at about one million, 15 per cent of whom are "officially employed", i.e., registered as income tax payers. Officially registered unemployment has risen to 276,000 (July 2003). The unemployment rate does not take into account informal employment in the grey economy, which is estimated to be high but mainly constitutes underemployment.

38. Nevertheless, the Kosovo economy continues to grow, although the projected rate of 4.5 per cent annual growth is lower than in previous years, mainly due to the withdrawal of international donors. Bank account balances for both the government and the private sector (including commercial public enterprises) continued to increase. However, the internal structure of deposits has changed; enterprises save more, while individuals save less. That trend is likely to continue in line with the decline in workers' remittances, donor spending and residential construction activity. Tax collection also increased, but a major portion of Kosovo's income continued to come from customs and excise. Total revenue collected by Customs in 2003 was €424.1 million (€72.3 million in customs duty, €171.3 million in excise and €180.5 million in VAT). That was €63 million (18 per cent) over target. The increase is due to more experienced and trained officers, better control of the cigarette market because of the requirement for banderols under the tobacco regulation; the deployment of mobile anti-smuggling enforcement teams and improved information flow from neighbouring customs administrations. For the first time since 1999, internal excise tax was collected and produced €2 million from breweries, wineries and distilleries.

39. Future progress for Kosovo's economy is dependent on a number of developments, including necessary improvements in the investment climate through legislative and institutional efforts, as well as fiscal and budget policies with a strong incentive element favouring investment. Improvements in basic infrastructure, particularly electricity, and development of the financial sector are also necessary.

40. Trade policy is now jointly developed by UNMIK and the Provisional Institutions and is aimed at integrating Kosovo into the region and wider Europe, as well as providing additional incentives to investors and exporters. Kosovo's trade with the European Union/European Economic Area is developing slowly, in particular owing to the high institutional requirements and standards to be met. At

present, Kosovo's most important trade flows are with the rest of Serbia and Montenegro, Albania, and the former Yugoslav Republic of Macedonia. The first free trade agreement entered into force on 1 October 2003 with Albania. In the first six weeks of implementation, exports from Kosovo to Albania more than doubled. In this context, UNMIK and Albania signed two agreements on cooperation in the field of public veterinary services and plant protection. Further attempts to enter into free trade agreement negotiations with other partners in the region have encountered delays due to external questions regarding UNMIK's authority to conclude such agreements. The Kosovo Government and UNMIK together participated in the third meeting of the European Union Stabilization and Association Process Tracking Mechanism for Kosovo with the European Commission to discuss trade and customs issues, key economic legislation and competition questions.

41. The energy situation remains a significant problem. Currently, less than 40 per cent of the electricity supplied is paid for by customers. That contributes to the inability of the Kosovo Electricity Company (KEK) to maintain a constant power supply. It is also a major deterrent to foreign investment and inhibits economic development. An international management team for KEK is being sought to improve performance. On 10 December 2003, UNMIK signed a revised memorandum of understanding with 15 European countries on the establishment of a regional energy and natural gas market. The Office of the Auditor General has been established. Local auditors have been recruited and they are participating in a comprehensive training programme. Audits were carried out in a number of publicly owned enterprises during 2003, including KEK, the Post and Telecommunications Company, UNMIK Railways, Pristina Airport and the major publicly owned enterprises in the water, waste and irrigation sectors. The audits have brought to light shortcomings in such areas as accounting, corporate governance and human resources. The Kosovo Trust Agency is now following up on the major recommendations of the audits, by addressing immediate and medium-term goals to improve the performance of the enterprises. The Investigation Task Force will follow up on cases of suspected fraud and misappropriations of resources.

VII. Property rights

42. The Housing and Property Directorate has improved its rate of processing of cases and delivery of decisions on residential properties. Since the closure of the claims deadline in July 2003, 97 per cent of all claims have been notified and 44 per cent have been resolved. Almost all of the Directorate's caseload is on target to be resolved by the end of 2004. So far, only 1.8 per cent of Claims Commission decisions have been subject to reconsideration requests. Directorate procedures have also been reformed to be more transparent and provide safety checks to ensure that the claimants understand their rights and that their requests are implemented. The Directorate's legal mandate covers only residential property and there is as yet no effective mechanism to reclaim agricultural land that is illegally occupied.

43. Over 900 evictions were carried out in 2003. That was lower than planned due to an increase in the number of voluntary vacations of property, a delay in evictions where the owner was not ready to reoccupy immediately due to an increasing trend towards destruction or reoccupation of properties following an eviction, and a large number of successful claimants asking the Directorate to place their properties under administration to use as humanitarian housing. Increased cooperation with the police

has also improved the security of evicted properties. The Directorate has taken properties in the mostly Kosovo Serb northern part of Mitrovica under administration and in mid-December it also carried out its first enforcement action there.

44. The Directorate is beginning to formulate plans to hand over its residual functions upon the completion of its mandate. There are now over 3,000 properties under its administration for humanitarian housing. However, pilot programmes to allow municipality employees the possibility to administer properties, or to identify cases for humanitarian accommodation, have had mixed results. In Pristina, the municipal pilot programme was suspended owing to abuse; Pristina municipality also proved unable to provide the Directorate with people who qualified for humanitarian accommodation in properties under administration. The Directorate's major challenge for the coming year is that of funding. Currently, there is a funding shortfall of €2.2 million for 2004.

VIII. Relations with Belgrade

45. My Special Representative devoted major efforts to launching the direct dialogue on practical issues of mutual interest between Pristina and Belgrade to which the parties committed themselves at the European Union-Western Balkans summit in Thessaloniki in June 2003. The decision of the Kosovo Prime Minister not to attend the launch of the dialogue in Vienna on 14 October 2003 undermined the value of the initiative and slowed progress. The Kosovo Assembly also failed to endorse the dialogue, although the Assembly President and the Kosovo President did attend the Vienna meeting, as did the Serbian Prime Minister and Deputy Prime Minister. In the weeks following the launch, the Provisional Institutions remained reluctant to engage in the dialogue. With the introduction of the review mechanism and the "Standards for Kosovo" document, which includes dialogue as one of the standards, a more favourable climate has been created for the Provisional Institutions to accept the concept of dialogue. Nevertheless, the Kosovo Government has yet to appoint multi-ethnic delegations for each of the four working groups. The authorities in Belgrade have generally adopted a more forthcoming attitude towards the dialogue. However, statements in the course of the preparation of the Standards for Kosovo and in the wake of the Serbian parliamentary elections have shown that the support for the dialogue is not unambiguous.

46. There has been only limited direct contact at the working level between the Provisional Institutions and Belgrade authorities during the reporting period, although the Ministry of Labour and Social Welfare continued low-level contacts with counterparts in Belgrade. UNMIK's cooperation with the Coordination Centre for Kosovo on returns and with Serbian police in joint operations has been productive but has not stimulated direct cooperation between Belgrade and the Provisional Institutions. UNMIK discusses cultural issues, including restoration and preservation projects, with the relevant authorities in Belgrade in the context of the working group on culture. Informal contacts between the two sides have taken place during international conferences or workshops; however, they have had no practical results.

IX. Kosovo Protection Corps

47. Efforts to root out KPC members with links to extremist organizations and organized crime took a step forward in December, when a disciplinary measure taken by my Special Representative led to the suspension of 12 members pending a police investigation. That resulted from a joint KFOR/UNMIK enquiry, begun after the bombing of a railway bridge in northern Kosovo in April 2003, into allegations of association of some members of the KPC with organized crime, abuse of function and other illegal activities. That action was seen as an "attack" on the KPC by Kosovo Albanians and KPC members, who initially resisted the decision. The decision was subsequently accepted and carried out due in part to the positive intervention by some Kosovo Albanian political leaders. In order to improve KPC members' understanding of their organization's role and of their own, a range of personnel and administrative policies have also been developed, including a draft terms-of-service regulation, which now form part of a comprehensive KPC plan for 2004.

48. During the reporting period, the work of the KPC as a civil emergency agency continued to improve. More members were trained to carry out a number of civil emergency-related tasks. The KPC is beginning to perform its mandated functions with growing professionalism, and intervenes 30 times a month on average in various emergencies, including forest fires and floods. Outreach activities in minority communities continued successfully. KPC medical units are operating weekly mobile clinics to the Croat village of Letnica; elsewhere, activities include support to minority areas with fuel and wood supplies. The KPC have built fire stations in the mixed communities of Kamenica (Gnjilane region) and Dragash (Prizren region) and water supply lines are being constructed in Novo Brdo (Gnjilane) and the mixed area of Novake (Prizren region).

49. The KPC has reduced its active strength to agreed levels. The present active membership stands at 3,029, with 131 non-Kosovo Albanian members, 31 of whom are Kosovo Serbs. The plan for the reduction of one third of KPC bases is being implemented and the target of June 2004 is likely to be reached. During the reporting period, there were 29 major cases of non-compliance and 27 minor cases. Minority employment is slightly less than half the target quota of 10 per cent of the KPC membership. The most serious challenge facing the KPC is a lack of resources at a time when the organization urgently requires funding to improve its equipment holdings, complete its relocation plan and continue the training work done by the International Organisation for Migration. Lack of funding has slowed and could seriously hinder further progress. Some €40 million is required over the next three years, with a first tranche of €15 million sought for 2004, in addition to the allocation from the Kosovo Consolidated Budget. The resources would be used to finance equipment, training, infrastructure, project funding in minority areas and logistics development.

X. Observations

50. The establishment of a mechanism, under the Council's authority, to measure the progress made by Kosovo's Provisional Institutions in meeting the standards in the "standards before status" policy is a most welcome development. The "Standards for Kosovo" document and the ongoing development of the implementation work

plan, based on the original standards paper, will provide a clear framework within which the Provisional Institutions must act in compliance with resolution 1244 (1999), the Constitutional Framework and the law applicable in Kosovo. The implementation of the standards does not, of course, prejudge the decision to be made by the Security Council on the initiation of the future status process, nor does it prejudge Kosovo's future status.

51. I intend to provide the Council with assessments on the progress of the Provisional Institutions on a quarterly basis. The way forward lies in making progress on the standards. The responsibility — and accountability — for achieving progress on the standards rests with the Provisional Institutions in the areas under their responsibility. UNMIK will continue to fully and effectively implement its responsibilities under resolution 1244 (1999) and the Constitutional Framework, which include supporting the ability of the Provisional Institutions to implement those standards and consolidate the Provisional Institutions. To do so, my Special Representative has taken further steps towards increasing cooperation and transparency with the Provisional Institutions, including by establishing a joint implementation process to make progress on the standards.

52. The implementation of the standards will require genuine commitment by all of Kosovo's leaders and communities and effective and fair delivery by the Provisional Institutions on standards implementation, the consolidation of their ability to effectively exercise their responsibilities under chapter 5 of the Constitutional Framework and the achievement of true multi-ethnicity within the Provisional Institutions. It will be important that Kosovo's leaders do not allow symbolic issues to distract from the all-important work of the practical improvement of residents' daily lives. A first and early indication of a commitment to concrete results will be progress on the direct dialogue on practical matters between Belgrade and Pristina. I call upon the Provisional Institutions to establish multi-ethnic delegations for the four working groups of the direct dialogue as soon as possible. I also call on Belgrade to complete the necessary preparations.

53. Multi-ethnicity, tolerance and equal rights for all communities must be upheld by all local leaders and institutions. The United Nations stands firmly behind the principle of multi-ethnic representation and meaningful participation of all communities in Kosovo's Provisional Institutions. It is important that all communities be actively engaged in the Provisional Institutions and have a real opportunity to do so, and that they work together in a cooperative and constructive spirit. Lack of participation in the Provisional Institutions and a disengagement from the political process only hampers real progress. Similarly, parallel administrative structures in Kosovo only harm the prospects for a truly multi-ethnic society in Kosovo — I call on Belgrade to discontinue its support for those structures.

54. Acts of intimidation and violence, particularly against minorities, are detrimental to achieving progress in any area and must stop. It is the responsibility of Kosovo's leaders and population to ensure that all people feel welcome and safe in Kosovo. Violence is unacceptable and all of Kosovo's leaders should contribute to ensure that the rule of law is upheld. It is also up to the leaders in Kosovo to lead by example and foster an environment of mutual respect and tolerance, and it is up to Kosovo's residents to create a society where those values are upheld.

55. The record of achievements by the Provisional Institutions so far is mixed, and many challenges remain. There has been progress in areas such as the preparation and adoption of legislation at both the central and local levels of self-government. However, in other areas, such as the meaningful participation of all communities in the Provisional Institutions and the creation of an apolitical civil service, much remains to be done. I am concerned that in some areas progress appears to be stalled. I am also concerned that the Kosovo Assembly is once again refusing to take into account legitimate minority concerns in the legislative process and overstepping its competencies. That is a direct challenge to resolution 1244 (1999), the Constitutional Framework and the law applicable in Kosovo. I fully support the firm line that my Special Representative has taken in that regard.

56. I am pleased that the transfer of non-reserved responsibilities listed in chapter 5 of the Constitutional Framework is now largely complete. The Provisional Institutions must now implement those responsibilities fully and fairly. They will be held accountable and will be assessed accordingly in the review process. The transfer does not affect the overall authority of UNMIK and KFOR under resolution 1244 (1999), or my Special Representative's reserved responsibilities under chapter 8 of the Constitutional Framework. UNMIK will also continue to monitor the situation closely and intervene as necessary, to ensure the compliance of the Provisional Institutions at both the central and municipal levels with resolution 1244 (1999), the Constitutional Framework and other applicable law in Kosovo. The robust support of the Council and key Member States will be essential for the full implementation of resolution 1244 (1999) and the "standards before status" policy. The challenge is not only for the Provisional Institutions, but also for UNMIK to manage the period between now and mid-2005 when a comprehensive review may take place.

57. UNMIK's work can only continue at its current pace if the necessary funding in crucial areas is available. I appeal to Member States to provide, inter alia, financial and other assistance to the process of returns, the resolution of residential property claims and economic development, as well as the transformation of the Kosovo Protection Corps into a disciplined civil emergency organization. Financial help is also required in order to complete the transformation of Kosovo's penal system and to support freedom of movement for communities throughout the region.

58. In conclusion, I would like to express my appreciation to my Special Representative, Mr. Holkeri, for the progress achieved since he assumed his responsibilities. I would particularly like to express my appreciation to the men and women of UNMIK for their commitment and professionalism in carrying out their duties. Finally, my gratitude goes to our partners within UNMIK — the European Union and the Organization for Security and Cooperation in Europe — as well as to KFOR and to other organizations, agencies, contributors and donors for their valued political and material support in implementing Security Council resolution 1244 (1999).

Annex I

Composition and strength of the UNMIK police as at 31 December 2003

Country	*Number*	*Country*	*Number*
Argentina	143	Malawi	17
Austria	39	Malaysia	40
Bangladesh	75	Mauritius	5
Belgium	1	Nepal	33
Brazil	3	Nigeria	53
Bulgaria	82	Norway	18
Cameroon	20	Pakistan	158
Canada	10	Philippines	55
Czech Republic	16	Poland	123
Denmark	26	Portugal	18
Egypt	58	Romania	175
Fiji	31	Russian Federation	112
Finland	14	Senegal	15
France	76	Slovenia	13
Germany	326	Spain	8
Ghana	58	Sweden	40
Greece	20	Switzerland	8
Hungary	5	Tunisia	4
India	335	Turkey	153
Italy	46	United Kingdom	105
Jordan	411	United States of America	466
Kenya	38	Ukraine	188
Kyrgyzstan	4	Zambia	29
Lithuania	8	Zimbabwe	54
Total			**3 735**

Composition of the Kosovo Police Service as of 31 December 2003

Category	*Percentage*	*Number*
Kosovo Albanians	84.6	4 823
Kosovo Serbs	9.3	529
Other ethnic minority members	6.2	352
Total		**5 704**
Men	85.2	4 860
Women	14.8	844

Annex II

Composition and strength of the Military Liaison Component of the United Nations Interim Administration Mission in Kosovo (as at 31 December 2003)

Nationality	*Number of liaison officers*
Argentina	1
Bangladesh	1
Belgium	1
Bolivia	1
Bulgaria	1
Chile	1
Czech Republic	1
Denmark	1
Finland	2
Hungary	1
Ireland	3
Italy	1
Jordan	1
Kenya	1
Malawi	1
Malaysia	1
Nepal	2
New Zealand	1
Norway	2
Pakistan	1
Poland	1
Romania	1
Russian Federation	2
Spain	2
Switzerland	1
Ukraine	2
United Kingdom	1
United States of America	2
Zambia	1
Total	**38**

Map No. 4133 Rev. 14 UNITED NATIONS
January 2004

Department of Peacekeeping Operations
Cartographic Section

United Nations S/2004/72

Security Council

Distr.: General
26 January 2004

Original: English

Letter dated 26 January 2004 from the President of the Security Council addressed to the Secretary-General

On 23 August 2002, you transmitted to the President of the Security Council a letter addressed to you by the then President of Burundi, Pierre Buyoya, requesting the establishment by the Security Council of an international judicial commission of inquiry as provided for in the Arusha Peace and Reconciliation Agreement for Burundi.

In conformity with the recommendations of their last mission to Central Africa (see S/2003/653), members of the Security Council have examined this request. They have agreed to request you to dispatch to Burundi an assessment mission by the Secretariat. The objective of the mission will be to consider the advisability and feasibility of establishing such a commission. The terms of reference of the mission, which were approved by the Council during its consultations held on 23 January, are contained in the annex to the present letter.

(*Signed*) Heraldo **Muñoz**
President of the Security Council

04-22193 (E) 270104 270104

Annex

[Original: French]

International judicial commission of inquiry for Burundi

Terms of reference of an assessment mission to Burundi by the Secretariat

1. The objective of the mission will be to consider the advisability and feasibility of establishing an international judicial commission of inquiry for Burundi, as requested by the President of Burundi, Pierre Buyoya, in his letter dated 24 July 2002 to the Secretary-General, who transmitted it to the members of the Security Council on 23 August 2002.

2. Upon completion of its work and bearing in mind the needs of the Burundian judicial system, the mission should specify in its report the modalities and options for the establishment of an international commission of inquiry, should the Security Council so decide. The assessment team should refer to the Arusha Peace and Reconciliation Agreement of 28 August 2000 with regard to the creation of such a commission, and consider approaches that will best support the creation in Burundi of a just and lasting peace based on democratic principles, fostering truth and reconciliation while achieving justice.

3. To this end, the mission may:

(a) With regard to capacities in Burundi:

- In the context of efforts to combat impunity, assess the progress made towards implementation of the judicial reforms provided for in the Arusha Agreement of 28 August 2000 and the capacity of the Burundian judicial system to bring criminals to trial in an impartial and effective manner, particularly its powers of investigation;

- Recommend structures within the framework of an international commission that would leave lasting positive benefits to the capacity of the Burundian judicial system in support of reforms provided for in the Arusha Agreement;

- Assess the progress made towards the establishment of a national truth and reconciliation commission (its composition, mandate, impact on Burundian society) and the implications of the law passed on 16 April 2003 by the National Assembly but awaiting Senate approval and Presidential signature, which provides for provisional immunity for political leaders returning from exile;

(b) With regard to the added value of an international commission of inquiry:

- Seek the advice of the governmental and judicial authorities of Burundi and other relevant bodies (Implementation Monitoring Committee of the Arusha Agreement, field office of the Office of the United Nations High Commissioner for Human Rights, Facilitator of the peace process, non-governmental organizations) on the usefulness of the existing reports of inquiries cited in the letter from President Buyoya to the Secretary-General — the 1985 Whittaker report, the 1994 report of non-governmental organizations, the 1994-1995 report of Ambassadors Siméon Aké and Martin Houslid, the

1996 report of the International Commission of Inquiry — and on their impact on the Burundian peace process;

Determine the possible division of competencies between the national truth and reconciliation commission and the international commission of inquiry, particularly with regard to their terms of reference, the nature of their powers, the term of their mandates, complementary investigatory responsibilities, the status of the individuals to be investigated, and the question of amnesty;

(c) With regard to the modalities proposed by the Burundian President in the event of the establishment of an international commission of inquiry:

Together with the Burundian authorities, examine the possibility of more effectively limiting the commission's temporal competence to specific events;

Assess the capacity of the Burundian Government to guarantee the security of the members of the commission and to facilitate their investigations (including access to witnesses);

Based on previous experiences, evaluate the logistical, human and financial resources that the establishment of such a commission would require from the United Nations;

Clearly state what the expectations of the Burundian authorities are regarding the legal implications of the conclusions of the report of the commission of inquiry (including trial by national courts or any international jurisdiction).

4. The mission would work in collaboration with the Special Representative of the Secretary-General and, where necessary, would have available to it the resources of the United Nations Office in Burundi and, as appropriate, of the African Mission in Burundi of the African Union. In addition to the governmental and judicial authorities of Burundi, it may consult with representatives of the legal profession, the Facilitator of the Burundian peace process, the staff of the field office of the Office of the High Commissioner for Human Rights in Burundi, the Special Rapporteur of the Commission on Human Rights on the situation of human rights in Burundi, and non-governmental organizations.

5. The assessment mission shall enjoy the full cooperation of the Government of Burundi. It shall be provided with the necessary facilities to enable it to discharge its mandate and shall, in particular, be guaranteed:

(a) Freedom of movement throughout the territory of Burundi; free access to all places that have a bearing on the work of the mission, information and documentary material in possession of governmental and local authorities; and the freedom to meet and interview representatives of governmental and local authorities, political parties, rebel groups, community leaders, non-governmental organizations, private institutions and the media, and any such persons whose testimony is considered necessary for the fulfilment of its mandate;

(b) Appropriate security arrangements for the personnel of the mission;

(c) The necessary privileges and immunities under the 1946 Convention on the Privileges and Immunities of the United Nations.

United Nations S/2004/73

Security Council

Distr.: General
26 January 2004

Original: English

Letter dated 22 January 2004 from the Secretary-General addressed to the President of the Security Council

I have the honour to refer to Security Council resolution 1519 (2003), adopted by the Security Council on 16 December 2003, concerning Somalia. In paragraph 2 of the resolution, the Security Council requested me to establish a Monitoring Group composed of up to four experts, for a period of 6 months, commencing as soon as possible from the date of the adoption of the resolution, to be based in Nairobi, with the mandate referred to in subparagraphs 2 (a) through (f), which should focus on the ongoing arms embargo violations, including transfers of ammunition, single use weapons and small arms.

Accordingly, I wish to inform you that, after consultation with the Security Council Committee established pursuant to resolution 751 (1992) concerning Somalia, I have appointed the following experts:

1. Mr. Melvin E. Holt, Jr. (United States of America)
2. Mr. Li Changsheng (China)
3. Mr. John E. Tambi (Sierra Leone)
4. Mr. Joel Salek (Colombia)

I should be grateful if you would bring this information to the attention of the members of the Security Council.

(*Signed*) Kofi A. **Annan**

04-22150 (E) 270104

United Nations S/2004/74

Security Council

Distr.: General
27 January 2004

Original: English

Letter dated 16 January 2004 from the Permanent Representative of Ireland to the United Nations addressed to the Secretary-General

I have the honour to draw your attention to the following statement calling on Lebanon to reverse the decision to carry out three executions on Saturday 17 January and to maintain Lebanon's moratorium on the death penalty, issued on 16 January 2004 by the Presidency on behalf of the European Union (see annex).

I would be grateful if the text of the present letter and its annex could be circulated as a document of the Security Council.

(*Signed*) Richard **Ryan**
Permanent Representative of Ireland
to the United Nations

04-22199 (E) 290104

Annex to the letter dated 16 January 2004 from the Permanent Representative of Ireland to the United Nations addressed to the Secretary-General

[Original: English and French]

Statement calling on Lebanon to reverse the decision to carry out three executions on Saturday 17 January and to maintain Lebanon's moratorium on the death penalty, issued on 16 January 2004 by the Presidency on behalf of the European Union

The European Union has learned with dismay that despite its previous expressions of concern to the Lebanese authorities, the decision has been taken to carry out, on Saturday 17 January 2004, three executions. In doing so, Lebanon would suspend the moratorium on the death penalty which it established in 1998.

The European Union is adamantly opposed to the use of the death penalty in all circumstances and as a priority seeks its universal abolition. The Union considers that the abolition of the death penalty contributes to the enhancement of human dignity and the progressive development of human rights. The Union finds this form of punishment cruel and inhuman. The death penalty provides no added value in terms of deterrence and any miscarriage of justice would be irreversible. Consequently, the death penalty has been long abolished in all European Union countries. But the reasons for doing away with this form of penalty apply to every person in any part of the world. Universal abolition of the death penalty is thus a strongly held policy view agreed by all members of the European Union.

The European Union notes that Lebanon has hitherto maintained a long standing moratorium on the use of the death penalty. The Union has, in the past, conveyed to the Lebanese authorities its support for the continuation of this moratorium and its belief that the Lebanese authorities should build on the moratorium and move towards the abolition of the death penalty.

The European Union calls on President Lahoud to use the authority granted to him to reverse this decision, and thus to uphold the current moratorium, and calls on the Lebanese Government to resume its long standing moratorium on the use of the death penalty.

The acceding countries Cyprus, the Czech Republic, Estonia, Hungary, Latvia, Lithuania, Malta, Poland, the Slovak Republic and Slovenia, the associated countries Bulgaria, Romania and the European Free Trade Association countries Iceland, Liechtenstein and Norway, members of the European Economic Area, align themselves with the present statement.

United Nations S/2004/75

Security Council

Distr.: General
27 January 2004

Original: English

Letter dated 19 January 2004 from the Permanent Representative of Ireland to the United Nations addressed to the Secretary-General

I have the honour to draw your attention to the following statement concerning Kazakhstan's moratorium on the death penalty (published in Rome on 23 December 2003) issued on 19 January 2004 by the Presidency on behalf of the European Union (see annex).

I would be grateful if the text of the present letter and its annex could be circulated as a document of the Security Council.

(*Signed*) Richard **Ryan**
Permanent Representative of Ireland
to the United Nations

04-22211 (E) 290104

Annex to the letter dated 19 January 2004 from the Permanent Representative of Ireland to the United Nations addressed to the Secretary-General

[Original: English and French]

Statement concerning Kazakhstan's moratorium on the death penalty (published in Rome on 23 December 2003) issued on 19 January 2004 by the Presidency on behalf of the European Union

The European Union welcomes the moratorium on the death penalty introduced in Kazakhstan by presidential decree on 18 December 2003. The European Union notes with satisfaction that this moratorium has taken immediate effect, and will stand until a decision is made on complete abolition of the death penalty in Kazakhstan.

The European Union considers that the abolition of the death penalty contributes to the enhancement of human dignity and the progressive development of human rights. It reaffirms its objective of working towards universal abolition of the death penalty and considers that the introduction of moratoria on executions is an important step towards that aim.

The European Union considers that the decision of President Nazarbayev represents a fundamental advance in the promotion of human rights in Kazakhstan and an important contribution towards the universal abolition of the death penalty. The European Union encourages the Government of Kazakhstan to continue its valuable cooperation with the Organization for Security and Cooperation in Europe in the democratic development of its country.

The acceding countries Cyprus, the Czech Republic, Estonia, Hungary, Latvia, Lithuania, Malta, Poland, the Slovak Republic and Slovenia, the associated countries Bulgaria, Romania and Turkey and the European Free Trade Association countries Iceland, Liechtenstein and Norway, members of the European Economic Area, align themselves with this statement.

United Nations S/2004/76

Security Council

Distr.: General
27 January 2004

Original: English

Draft resolution

The Security Council,

Recalling all its previous resolutions on Western Sahara, and reaffirming, in particular, resolution 1495 (2003) of 31 July 2003,

1. *Decides* to extend the mandate of the United Nations Mission for the Referendum in Western Sahara (MINURSO) until 30 April 2004;

2. *Requests* that the Secretary-General provide a report on the situation before the end of the present mandate;

3. *Decides* to remain seized of the matter.

04-22549 (E) 300104

United Nations S/2004/77

Security Council

Distr.: General
29 January 2004

Original: English

Draft resolution

The Security Council,

Recalling all its relevant resolutions, in particular resolution 1494 (2003) of 30 July 2003,

Having considered the report of the Secretary-General of 14 January 2004 (S/2004/26),

Recalling the conclusions of the Lisbon (S/1997/57, annex) and Istanbul summits of the Organization for Security and Cooperation in Europe (OSCE) regarding the situation in Abkhazia, Georgia,

Recalling the relevant principles contained in the Convention on the Safety of United Nations and Associated Personnel adopted on 9 December 1994,

Deploring that the perpetrators of the shooting down of a helicopter of the United Nations Observer Mission in Georgia (UNOMIG) on 8 October 2001, which resulted in the death of nine people on board, have still not been identified,

Stressing that the continued lack of progress on key issues of a comprehensive settlement of the conflict in Abkhazia, Georgia, is unacceptable,

Welcoming, however, the positive momentum given to the United-Nations-led peace process by regular high level meetings of the Group of Friends in Geneva and the Georgian-Russian summit meeting in March 2003,

Noting the holding of presidential elections in Georgia in January and *encouraging* the new Georgian leadership as well as the Abkhaz side to pursue a comprehensive, peaceful political settlement of the conflict in Abkhazia, Georgia,

Welcoming the important contributions made by UNOMIG and the Collective Peacekeeping Forces of the Commonwealth of Independent States (CIS peacekeeping force) in stabilizing the situation in the zone of conflict, and *stressing* its attachment to the close cooperation existing between them in the performance of their respective mandates,

1. *Welcomes* the report of the Secretary-General of 14 January 2004 (S/2004/26);

2. *Reaffirms* the commitment of all Member States to the sovereignty, independence and territorial integrity of Georgia within its internationally

04-22567 (E) 300104

recognized borders, and the necessity to define the status of Abkhazia within the State of Georgia in strict accordance with these principles;

3. *Commends and strongly supports* the sustained efforts of the Secretary-General and his Special Representative, with the assistance of the Russian Federation in its capacity as facilitator as well as of the Group of Friends of the Secretary-General and of the OSCE, to promote the stabilization of the situation and the achievement of a comprehensive political settlement, which must include a settlement of the political status of Abkhazia within the State of Georgia;

4. *Stresses*, in particular, its strong support for the document on "Basic Principles for the Distribution of Competences between Tbilisi and Sukhumi" and for its letter of transmittal, finalized by, and with the full support of, all members of the Group of Friends;

5. *Deeply regrets*, the continued refusal of the Abkhaz side to agree to a discussion on the substance of this document, again *strongly urges* the Abkhaz side to receive the document and its transmittal letter, *urges* both parties thereafter to give them full and open consideration, and to engage in constructive negotiations on their substance, and *urges* those having influence with the parties to promote this outcome;

6. *Regrets* the lack of progress on the initiation of political status negotiations, and *recalls*, once again, that the purpose of these documents is to facilitate meaningful negotiations between the parties, under the leadership of the United Nations, on the status of Abkhazia within the State of Georgia, and is not an attempt to impose or dictate any specific solution to the parties;

7. *Underlines further* that the process of negotiation leading to a lasting political settlement acceptable to both sides will require concessions from both sides;

8. *Welcomes* the convening of regular meetings of senior representatives of the Group of Friends in Geneva and the intention expressed by the parties to accept the invitation to participate in the forthcoming meeting and *calls upon* them to participate again in a positive spirit;

9. *Urges* the parties to participate in a more active, regular and structured manner in the task forces established in the first Geneva meeting (to address issues in the priority areas of economic cooperation, the return of internally displaced persons and refugees, and political and security matters) and complemented by the working groups established in Sochi, and stresses that results oriented activities in these three priority areas remain key to building common ground between the Georgian and Abkhaz sides and ultimately for concluding meaningful negotiations on a comprehensive political settlement based on the paper entitled "Basic Principles for the Distribution of Competences between Tbilisi and Sukhumi" and its transmittal letter;

10. *Welcomes* the joint Georgian-Abkhaz high level visit to Bosnia and Herzegovina and to Kosovo, Serbia and Montenegro, led by the Special Representative of the Secretary-General, as agreed in the second Geneva meeting;

11. *Calls on* the parties to spare no efforts to overcome their ongoing mutual mistrust;

12. *Calls again* on the parties to ensure the necessary revitalization of the peace process in all its major aspects, including their work in the Coordinating Council and its relevant mechanisms, to build on the results of the Yalta meeting on confidence-building measures in March 2001 (S/2001/242), to implement the proposals agreed on that occasion in a purposeful and cooperative manner, and to consider holding a fourth conference on confidence-building measures;

13. *Reminds* all concerned to refrain from any action that might impede the peace process;

14. *Stresses* the urgent need for progress on the question of the refugees and internally displaced persons, *calls on* both sides to display a genuine commitment to make returns the focus of special attention and to undertake this task in close coordination with UNOMIG and consultations with UNHCR and the Group of Friends and *recalls* the understanding in the Sochi summit that the reopening of the Sochi-Tbilisi railway will be undertaken in parallel with the return of refugees and displaced persons, starting in the Gali district;

15. *Reaffirms* the unacceptability of the demographic changes resulting from the conflict, *reaffirms* also the inalienable right of all refugees and IDPs affected by the conflict to return to their homes in secure and dignified conditions, in accordance with international law and as set out in the Quadripartite Agreement of 4 April 1994 (S/1994/397, annex II) and the Yalta Declaration;

16. *Recalls* that the Abkhaz side bears a particular responsibility to protect the returnees and to facilitate the return of the remaining displaced population;

17. *Welcomes* the mission led by the United Nations Development Programme to the Gali region (December 2003) to assess the feasibility of a sustainable recovery process for the local population and potential returnees and to identify further actions to improve the overall security conditions and ensure sustainable return and *looks forward* to the publication of the resulting report;

18. *Welcomes* the positive consideration by the parties given to the recommendations of the joint assessment mission to the Gali district, *urges them* once again to implement those recommendations and in particular *calls* upon the Abkhaz side to agree to the opening as soon as possible of the Gali branch of the human rights office in Sukhumi and to provide security conditions for its unhindered functioning;

19. *Welcomes* the start of the deployment of a civilian police component as part of UNOMIG, as endorsed in resolution 1494 (2003) and agreed by the parties, *looks forward* to an early confirmation by the Abkhaz side that the deployment in the Gali district of the remaining police officers can proceed, and *calls on* the parties to cooperate and actively support the police component;

20. *Calls* in particular on the Abkhaz side to improve law enforcement involving the local population and to address the lack of instruction in their mother tongue for the ethnic Georgian population;

21. *Calls* on both parties further to publicly dissociate themselves from any militant rhetoric and demonstrations of support for military options or for the activities of illegal armed groups, *notes* the efforts undertaken by the Georgian side to put an end to the activities of illegal armed groups and *encourages* the parties, in particular the Georgian side, to maintain their efforts;

22. *Condemns* any violations of the provisions of the Moscow Agreement of 14 May 1994 on a Ceasefire and Separation of Forces (S/1994/583, annex I);

23. *Welcomes* the continuing relative calm in the Kodori Valley and the intention reaffirmed by the parties to resolve the situation peacefully, *recalls* its strong support to the protocol signed by the two sides on 2 April 2002 regarding the situation in the valley and *calls* on the sides to continue to fully implement this protocol;

24. *Deplores* the deterioration in the security environment in the Gali sector including repeated killings and abductions;

25. *Welcomes* the holding of a Quadripartite meeting with high level representation by the parties on 19 January 2004, and their signing of a protocol on security issues and *urges* the parties to abide by the provisions of that protocol and the protocol signed by them on 8 October 2003 and to cooperate more closely with each other to improve security in the Gali sector;

26. *Calls on* the Georgian side to continue to improve security for joint UNOMIG and CIS peacekeeping force patrols in the Kodori Valley to enable them to resume monitoring of the situation independently and regularly when road conditions permit;

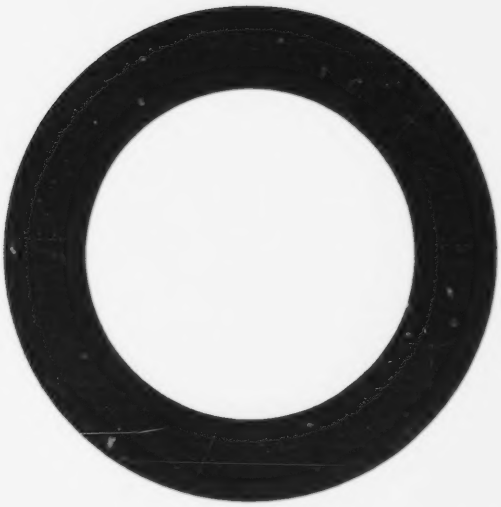
27. *Underlines* that it is the primary responsibility of both sides to provide appropriate security and to ensure the freedom of movement of UNOMIG, the CIS peacekeeping force and other international personnel; *strongly condemns* the repeated abductions of personnel of those missions, *deeply deplores* that none of the perpetrators have ever been identified or brought to justice and *reiterates* that it is the responsibility of the parties to end this impunity;

28. *Urges* the parties, *once again*, to take all necessary steps to identify those responsible for the shooting down of a UNOMIG helicopter on 8 October 2001, to bring them to justice, and to inform the Special Representative on the steps taken;

29. *Decides* to extend the mandate of UNOMIG for a new period terminating on 31 July 2004, subject to a review as appropriate of its mandate by the Council in the event of changes in the mandate of the CIS peacekeeping force;

30. *Requests* the Secretary-General to continue to keep the Council regularly informed and to report three months from the date of the adoption of this resolution on the situation in Abkhazia, Georgia;

31. *Decides* to remain actively seized of the matter.



United Nations S/2004/78

Security Council

Distr.: General
29 January 2004

Original: English

Draft resolution

The Security Council,

Recalling all its previous resolutions on Lebanon, in particular resolutions 425 (1978) and 426 (1978) of 19 March 1978 and 1496 (2003) of 31 July 2003 as well as the statements of its President on the situation in Lebanon, in particular the statement of 18 June 2000 (S/PRST/2000/21),

Recalling further the letter from its President to the Secretary-General of 18 May 2001 (S/2001/500),

Recalling also the Secretary-General's conclusion that, as of 16 June 2000, Israel had withdrawn its forces from Lebanon in accordance with resolution 425 (1978) and met the requirements defined in the Secretary-General's report of 22 May 2000 (S/2000/460), as well as the Secretary-General's conclusion that United Nations Interim Force in Lebanon (UNIFIL) had essentially completed two of the three parts of its mandate, focusing now on the remaining task of restoring international peace and security,

Emphasizing the interim nature of UNIFIL,

Recalling its resolution 1308 (2000) of 17 July 2000,

Recalling also its resolution 1325 (2000) of 31 October 2000,

Recalling further the relevant principles contained in the Convention on the Safety of United Nations and Associated Personnel adopted on 9 December 1994,

Responding to the request of the Government of Lebanon, as stated in the letter from its Permanent Representative to the United Nations of 14 January 2004 to the Secretary-General (S/2004/35),

Expressing its concern over the tensions and potential for escalation as noted in the Secretary-General's report of 20 January 2004 (S/2004/50),

1. *Endorses* the report of the Secretary-General on UNIFIL of 20 January 2004 (S/2004/50), and in particular its recommendation to renew the mandate of UNIFIL for a further period of six months;

2. *Decides* to extend the present mandate until 31 July 2004;

3. *Reiterates* its strong support for the territorial integrity, sovereignty and political independence of Lebanon within its internationally recognized boundaries;

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4. *Encourages* the Government of Lebanon to continue efforts to ensure the return of its effective authority throughout the south, including the deployment of Lebanese armed forces, *stresses the importance* of the Government of Lebanon continuing to extend these measures and *calls* on the Government of Lebanon to do its utmost to ensure a calm environment throughout the south, including along the Blue Line;

5. *Calls on* the parties to ensure UNIFIL is accorded full freedom of movement in the discharge of its mandate throughout its area of operation as outlined in the Secretary-General's report;

6. *Reiterates its call on* the parties to continue to fulfil the commitments they have given to respect fully the withdrawal line identified by the United Nations, as set out in the Secretary-General's report of 16 June 2000 (S/2000/590), to exercise utmost restraint and to cooperate fully with the United Nations and UNIFIL;

7. *Condemns* all acts of violence, *expresses great concern* about the serious breaches and the sea, land and continuing air violations of the withdrawal line, and *urges* the parties to put an end to these violations, to refrain from any act or provocation that could further escalate the tension and to abide scrupulously by their obligation to respect the safety of UNIFIL and other United Nations personnel;

8. *Supports* the continued efforts of UNIFIL to maintain the ceasefire along the withdrawal line through mobile patrols and observation from fixed positions and through close contacts with the parties to correct violations, resolve incidents and prevent their escalation;

9. *Welcomes* the continued contribution of UNIFIL to operational demining, *applauds* the progress in demining efforts noted by the Secretary-General in his report, *encourages* further assistance in mine action by the United Nations to the Government of Lebanon in support of both the continued development of its national mine action capacity and emergency demining activities in the south, *commends* donor countries for supporting these efforts through financial and in-kind contributions and encourages further international contributions, *takes note* of the communication to the Government of Lebanon and UNIFIL of maps and information on the location of mines and *stresses* the necessity to provide the Government of Lebanon and UNIFIL with any additional maps and records on the location of mines;

10. *Requests* the Secretary-General to continue consultations with the Government of Lebanon and other parties directly concerned on the implementation of this resolution and to report thereon to the Council before the end of the present mandate as well as on the activities of UNIFIL and the tasks presently carried out by the United Nations Truce Supervision Organization (UNTSO);

11. *Looks forward* to the early fulfilment of the mandate of UNIFIL;

12. *Stresses* the importance of, and the need to achieve, a comprehensive, just and lasting peace in the Middle East, based on all its relevant resolutions including its resolution 242 (1967) of 22 November 1967 and 338 (1973) of 22 October 1973.

United Nations S/2004/79

Security Council

Distr.: General
30 January 2004

Original: English

Draft resolution

The Security Council,

Recalling its resolutions 1267 (1999) of 15 October 1999, 1333 (2000) of 19 December 2000, 1363 (2001) of 30 July 2001, 1373 (2001) of 28 September 2001, 1390 (2002) of 16 January 2002, 1452 (2002) of 20 December 2002, and 1455 (2003) of 17 January 2003,

Underlining the obligation placed upon all Member States to implement, in full, resolution 1373 (2001), including with regard to any member of the Taliban and the Al-Qaida organization, and any individuals, groups, undertakings and entities associated with the Taliban and the Al-Qaida organization, who have participated in the financing, planning, facilitating and preparation or perpetration of terrorist acts or in supporting terrorist acts, as well as to facilitate the implementation of counter-terrorism obligations in accordance with relevant Security Council resolutions,

Reaffirming the need to combat by all means, in accordance with the Charter of the United Nations and international law, threats to international peace and security caused by terrorist acts,

Noting that, in giving effect to the measures in paragraph 4 (b) of resolution 1267 (1999), paragraph 8 (c) of resolution 1333 (2000) and paragraphs 1 and 2 of resolution 1390 (2002), full account is to be taken of the provisions of paragraphs 1 and 2 of resolution 1452 (2002),

Reiterating its condemnation of the Al-Qaida network and other associated terrorist groups for ongoing and multiple criminal terrorist acts, aimed at causing the deaths of innocent civilians, and other victims, and the destruction of property, and greatly undermining stability,

Reiterating its unequivocal condemnation of all forms of terrorism and terrorist acts,

Stressing to all States, international bodies, and regional organizations, the importance of ensuring that resources are committed, including through international partnership, to meet the ongoing threat the Al-Qaida organization and members of the Taliban, and any individuals, groups, undertakings and entities associated with them, represent to international peace and security,

Acting under Chapter VII of the Charter of the United Nations,

04-22663 (E) 300104

1. *Decides* to improve, as set out in the following paragraphs of this resolution, the implementation of the measures imposed by paragraph 4 (b) of resolution 1267 (1999), paragraph 8 (c) of resolution 1333 (2000), and paragraphs 1 and 2 of resolution 1390 (2002) with respect to Usama bin Laden, members of the Al-Qaida organization and the Taliban and other individuals, groups, undertakings and entities associated with them, as referred to in the list created pursuant to resolutions 1267 (1999) and 1333 (2000) (the "Committee list"), namely to:

(a) Freeze without delay the funds and other financial assets or economic resources of these individuals, groups, undertakings and entities, including funds derived from property owned or controlled, directly or indirectly, by them or by persons acting on their behalf or at their direction, and ensure that neither these nor any other funds, financial assets or economic resources are made available, directly or indirectly, for such persons' benefit, by their nationals or by any persons within their territory;

(b) Prevent the entry into or the transit through their territories of these individuals, provided that nothing in this paragraph shall oblige any State to deny entry or require the departure from its territories of its own nationals and this paragraph shall not apply where entry or transit is necessary for the fulfilment of a judicial process or the Committee determines on a case-by-case basis only that entry or transit is justified;

(c) Prevent the direct or indirect supply, sale or transfer, to these individuals, groups, undertakings and entities from their territories or by their nationals outside their territories, or using their flag vessels or aircraft, of arms and related materiel of all types including weapons and ammunition, military vehicles and equipment, paramilitary equipment, and spare parts for the aforementioned and technical advice, assistance, or training related to military activities;

and *recalls* that all States shall implement the measures with respect to listed individuals and entities;

2. *Decides* to strengthen the mandate of the Committee established pursuant to resolution 1267 (1999) ("the Committee") to include, in addition to the oversight of States' implementation of the measures referred to in paragraph 1 above, a central role in assessing information for the Council's review regarding effective implementation of the measures, as well as in recommending improvements to the measures;

3. *Decides* that the measures referred to in paragraph 1 above will be further improved in 18 months, or sooner if necessary;

4. *Calls upon* States to move vigorously and decisively to cut the flows of funds and other financial assets and economic resources to individuals and entities associated with the Al-Qaida organization, Usama bin Laden and/or the Taliban, taking into account, as appropriate, international codes and standards for combating the financing of terrorism, including those designed to prevent the abuse of non-profit organizations and informal/alternative remittance systems;

5. *Urges* all States and encourages regional organizations, as appropriate, to establish internal reporting requirements and procedures on the trans-border movement of currency based on applicable thresholds;

6. *Decides*, in order to assist the Committee in the fulfilment of its mandate, to establish for a period of 18 months a New York-based Analytical Support and Sanctions Monitoring Team (hereinafter referred to as "the Monitoring Team") under the direction of the Committee with the responsibilities enumerated in the annex to this resolution;

7. *Requests* the Secretary-General, upon adoption of this resolution and acting in close consultation with the Committee, to appoint, consistent with United Nations rules and procedures, no more than eight members, including a coordinator, of the Monitoring Team, who demonstrate one or more of the following areas of expertise related to activities of the Al-Qaida organization and/or the Taliban, including: counter-terrorism and related legislation; financing of terrorism and international financial transactions, including technical banking expertise; alternative remittance systems, charities, and use of couriers; border enforcement, including port security; arms embargoes and export controls; and drug trafficking;

8. *Further requests* the Monitoring Team to submit, in writing, three comprehensive, independent reports to the Committee, the first by 31 July 2004, the second by 15 December 2004, and the third by 30 June 2005, on implementation by States of the measures referred to in paragraph 1 above, including concrete recommendations for improved implementation of the measures and possible new measures;

9. *Requests* the Secretary-General to provide cost-effective support, as needed by the Committee, in light of the increased workload entailed by this resolution;

10. *Requests* the Committee to consider, where and when appropriate, visits to selected countries by the Chairman and/or Committee members to enhance the full and effective implementation of the measures referred to in paragraph 1 above, with a view to encouraging States to comply fully with this resolution and resolutions 1267 (1999), 1333 (2000), 1390 (2002), and 1455 (2003);

11. *Further requests* the Committee to follow up via oral and/or written communications with States regarding effective implementation of the sanctions measures and to provide States with an opportunity, at the Committee's request, to send representatives to meet with the Committee for more in-depth discussion of relevant issues;

12. *Requests* the Committee, through its Chairman, to report orally at least every 120 days to the Council in detail on the overall work of the Committee and the Team, including a summary of States' progress in submitting the reports referred to in paragraph 6 of resolution 1455 (2003) and any follow-up communications with States regarding additional requests for information and assistance;

13. *Further requests* the Committee, based on its ongoing oversight of States' implementation of the measures referred to in paragraph 1 above, to prepare and then to circulate within 17 months after the adoption of this resolution a written analytical assessment to the Council on implementation of the measures, including States' successes and challenges in implementing them, with a view to recommending further measures for the Council's consideration;

14. *Requests* all States, and encourages regional organizations, relevant United Nations bodies, and, as appropriate, other organizations and interested

parties to cooperate fully with the Committee and the Monitoring Team, including supplying such information as may be sought by the Committee pursuant to this resolution and resolutions 1267 (1999), 1333 (2000), 1390 (2002), 1452 (2002) and 1455 (2003), to the extent possible;

15. *Reiterates* the need for close coordination and concrete exchange of information between the Committee and the Committee established pursuant to resolution 1373 (the "Counter-Terrorism Committee");

16. *Reiterates* to all States the importance of proposing to the Committee the names of members of the Al-Qaida organization and the Taliban or associated with Usama bin Laden and other individuals, groups, undertakings and entities associated with them for inclusion in the Committee's list, unless to do so would compromise investigations or enforcement actions;

17. *Calls upon* all States, when submitting new names to the Committee's list, to include identifying information and background information, to the greatest extent possible, that demonstrates the individual(s)' and/or entity(ies)' association with Usama bin Laden or with members of the Al-Qaida organization and/or the Taliban, in line with the Committee's guidelines;

18. *Strongly encourages* all States to inform, to the extent possible, individuals and entities included in the Committee's list of the measures imposed on them, and of the Committee's guidelines and resolution 1452 (2002);

19. *Requests* the Secretariat to communicate to Member States the Committee's list at least every three months to facilitate States' implementation of the measures on entry and travel imposed by paragraph 2 (b) of resolution 1390 (2002), and, *further requests*, that the Committee's list, whenever amended, be automatically conveyed by the Secretariat to all States, regional and subregional organizations for inclusion, to the extent possible, of listed names in their respective electronic databases and relevant border enforcement and entry/exit tracking systems;

20. *Reiterates* the urgency for all States to comply with their existing obligations to implement the measures referred to in paragraph 1 above and to ensure that their domestic legislative enactments or administrative measures, as appropriate, permit the immediate implementation of those measures with respect to their nationals and other individuals or entities located or operating in their territory, and with respect to funds, other financial assets and economic resources over which they have jurisdiction, and to inform the Committee of the adoption of such measures, and *invites* States to report the results of all related investigations and enforcement actions to the Committee, unless to do so would compromise the investigation or enforcement actions;

21. *Requests* that the Committee seek from States, as appropriate, status reports on the implementation of the measures referred to in paragraph 1 above concerning listed individuals and entities, specifically with respect to the aggregate amounts of the listed individuals' and entities' frozen assets;

22. *Requests* all States that have not yet done so to submit to the Committee by 31 March 2004 the updated reports called for under paragraph 6 of resolution 1455 (2003), following as closely as possible the guidance document previously provided by the Committee; and *further requests* that all States that have not

submitted these reports to explain in writing to the Committee by 31 March 2004 their reasons for non-reporting;

23. *Requests* the Committee to circulate to the Council a list of those States that have not submitted by 31 March 2004 reports pursuant to paragraph 6 of resolution 1455 (2003), including an analytical summary of the reasons put forward by States for non-reporting;

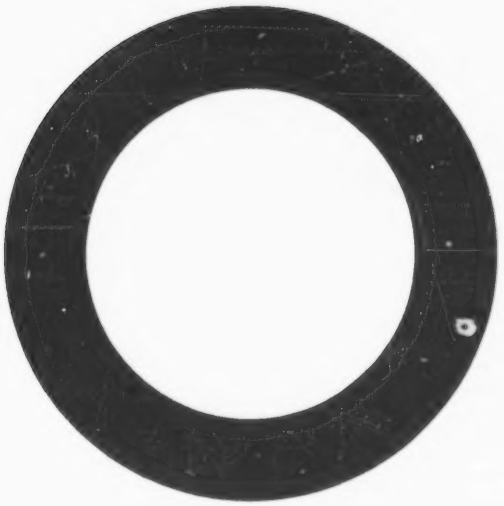
24. *Urges* all States and encourages relevant international, regional and subregional organizations to become more directly involved in capacity-building efforts and to offer technical assistance in areas identified by the Committee, in consultation with the Counter-Terrorism Committee;

25. *Decides* to remain actively seized of the matter.

Annex to resolution 1526 (2004)

In accordance with paragraph 6 of this resolution, the Analytical Support and Sanctions Monitoring Team shall operate under the direction of the Committee established pursuant to resolution 1267 (1999) and shall have the following responsibilities:

- To collate, assess, monitor and report on and make recommendations regarding implementation of the measures; to pursue case studies, as appropriate; and to explore in depth any other relevant issues as directed by the Committee;
- To submit a comprehensive programme of work to the Committee for its approval and review, as necessary, in which the Monitoring Team should detail the activities envisaged in order to fulfil its responsibilities, including proposed travel;
- To analyse reports submitted pursuant to paragraph 6 of resolution 1455 (2003) and any subsequent written responses provided by States to the Committee;
- To work closely and share information with Counter-Terrorism Committee experts to identify areas of convergence and to help facilitate concrete coordination between the two Committees;
- To consult with States in advance of travel to selected States, based on its programme of work approved by the Committee;
- To consult with States, including through engaging in regular dialogue with representatives in New York and in capitals, taking into account comments from States, especially regarding any issues that might be contained in the Monitoring Team's reports referred to in paragraph 8 of this resolution;
- To report to the Committee, on a regular basis or when the Committee so requests, through oral and/or written briefings on the work of the Monitoring Team, including on its visits to States and its activities;
- To assist the Committee in preparing its oral and written assessments to the Council, in particular the analytical summaries referred to in paragraphs 12 and 13 of this resolution;
- Any other responsibility identified by the Committee.



United Nations A/58/697–S/2004/80

General Assembly
Security Council

Distr.: General
30 January 2004

Original: English

General Assembly
Fifty-eighth session
Agenda items 67 and 156

Security Council
Fifty-ninth year

Review of the implementation of the Declaration on the Strengthening of International Security

Measures to eliminate international terrorism

Identical letters dated 30 January 2004 from the Permanent Representative of Israel to the United Nations addressed to the Secretary-General and the President of the Security Council

I am writing following the most recent horrific Palestinian terrorist attack perpetrated against the citizens of Israel.

Yesterday, 29 January 2004, at approximately 9 a.m. (local time), a Palestinian Authority policeman from Bethlehem perpetrated a grave suicide attack on a crowded commuter bus in central Jerusalem, killing 10 people and wounding over 50, 10 of them seriously. The bomb was packed with metal balls, nails and bolts into order to affect maximum pain and injury on the victims. The attack on public bus No. 19 occurred on the corner of Gaza and Arlozorov Streets, close to the official residence of Prime Minister Ariel Sharon in the suburban Rehavia neighbourhood. The powerful explosion ripped off one side of the bus and the back of the roof, lifting it 12 meters into the air, and blew out windows in the surrounding vicinity. Limbs and body parts of victims were strewn throughout the area of the blast, creating a scene of indescribable carnage and horror. The murdered were Avraham Balhasan, 28; Rose Boneh, 39; Chana Bunder, 38; Anat Darom, 23; Octavian Floresco, 42; Natalia Gamril, 53; Baruch Hondiashvili, 38; Dana Itach, 24; Eli Zfira, 48 — all of Jerusalem; and Yehezkel Goldberg, 41, of Betar Illit. The Al Aqsa Martyrs Brigades, of Yasser Arafat's own Fatah movement, proudly claimed responsibility for the attack, which was also welcomed by the terrorist organizations Islamic Jihad and Hizbullah. At the time of the bombing, Israeli Defense Minister Shaul Mofaz was meeting United States envoys David Satterfield and John Wolf to discuss measures to move the peace process forward.

Yesterday's attack proves yet again that the Palestinian leadership's legally and morally bankrupt strategy of brazen inaction and support for continued terrorist activity against innocent civilians remains unchanged. Israel is both outraged and deeply saddened by this horrific display of brutality and the continuing Palestinian violations of the most basic obligations of international law, human rights, Security

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Council resolutions, and the Road Map itself. The fact that a Palestinian Authority security official, charged with fighting Palestinian terrorism, was responsible for this brutal massacre only adds to that outrage. Unfortunately, this is far from the first time that security personnel on the Palestinian Authority payroll were directly engaged in terrorist atrocities. This repugnant disregard for life, and the officially sanctioned glorification of murder as martyrdom, is the greatest enemy of the Palestinian and Israeli peoples and of hopes of peace in the region.

In the absence of a concerted effort by the Palestinian Authority to fulfil its counter-terrorist obligations, Israel remains obligated to take the necessary defensive measures against the campaign of terrorism that was forced upon it. The death of so many innocent Israeli civilians demonstrates in the most gruesome way the urgent need for concerted actions to help thwart future attacks and the necessity of the anti-terrorist fence. Those who seek to draw a perverse moral equivalence between Israeli defensive measures targeting terrorist operatives that callously target and hide amongst civilians and the deliberate cold blooded murder of innocent men, women and children, reveal only the depths of their own depravity.

Israel calls upon the international community to make clear to the Palestinian leadership, and to those regimes sponsoring terrorism in the region, its absolute rejection of terrorist tactics and to accept nothing less than the complete dismantling of terrorist organizations and relentless efforts to prevent terrorism and bring its perpetrators and supporters to justice, in accordance with international law, the Road Map, signed agreements between the parties and Security Council resolutions, in particular resolution 1373 (2001). Only a united and uncompromising stand against the perpetrators of these crimes can bring an end to the Palestinian strategy of terrorism and murder and make peace between the peoples of the region possible. Rewards for the continuing Palestinian policy of intransigence and terror, in the form of political concessions or the toleration of one-sided initiatives in the organs of the United Nations, can only embolden the terrorists and undermine efforts aimed at achieving a peaceful negotiated settlement.

I submit this letter in follow-up to numerous letters detailing the campaign of Palestinian terrorism launched in September 2000, which document the crimes for which the terrorists and their supporters must be held fully accountable.

I should be grateful if you would arrange to have the text of the present letter circulated as a document of the fifty-eighth session of the General Assembly, under agenda items 156 and 67, and of the Security Council.

(*Signed*) Dan **Gillerman**
Ambassador
Permanent Representative of Israel to the United Nations

United Nations A/58/698–S/2004/81

General Assembly
Security Council

Distr.: General
30 January 2004
English
Original: Arabic

General Assembly
Fifty-eighth session
Agenda item 37
The situation in the Middle East

Security Council
Fifty-ninth year

Identical letters dated 30 January 2004 from the Permanent Representative of Lebanon to the United Nations addressed to the Secretary-General and the President of the Security Council

At the request of the Lebanese Government, I wish to inform you that Lebanon welcomes the renewal of the mandate of the United Nations Interim Force in Lebanon (UNIFIL) for a further period of six months and the continuance of cooperation with the United Nations to facilitate the work of UNIFIL and to enable it to perform its functions.

On the occasion of the adoption by the Security Council of the decision to renew the mandate of UNIFIL, the Lebanese Government wishes to reiterate its firm position with respect to the blue line concerning the maintenance of the right of Lebanon to the three locations and the Shab'a farmlands all which remain, without any alteration, under Israeli occupation as I previously informed you.

I avail myself of this opportunity to pay tribute, on behalf of the Lebanese Government, to the efforts made by the leadership and individual members of UNIFIL, and to the troop-contributing countries, for their efforts and sacrifices in the implementation of its mandate.

The Government of Lebanon also wishes to convey to you its appreciation of your tireless efforts to support the role of UNIFIL in southern Lebanon.

I should be grateful if you would have the text of this letter circulated as a document of the General Assembly under agenda item 37, and of the Security Council.

(*Signed*) Sami **Kronfol**
Ambassador
Permanent Representative

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United Nations S/2004/82

Security Council

Distr.: General
4 February 2004
English
Original: French

Draft resolution

The Security Council,

Reaffirming its previous resolutions concerning Côte d'Ivoire, in particular its resolutions 1514 (2003) of 13 November 2003 and 1498 (2003) of 4 August 2003 and 1464 (2003) of 4 February 2003,

Reaffirming its strong commitment to the sovereignty, independence, territorial integrity and unity of Côte d'Ivoire, and recalling the importance of the principles of good neighbourliness, non-interference and cooperation in relations between the States of the region,

Reaffirming also its endorsement of the agreement signed by the Ivoirian political forces at Linas-Marcoussis on 24 January 2003 (S/2003/99) ("Linas-Marcoussis Agreement"), approved by the Conference of Heads of State on Côte d'Ivoire held in Paris on 25 and 26 January 2003,

Stressing the importance of the complete and unconditional implementation of the measures provided for under the Linas-Marcoussis Agreement, and *taking note* with satisfaction of the progress made recently in this regard,

Recalling its full support for the efforts of the Economic Community of West African States (ECOWAS) and France to promote a peaceful settlement of the conflict, and *welcoming*, in particular, the effective action taken by the ECOWAS Mission in Côte d'Ivoire (ECOMICI) in order to stabilize the country as well as the commitment of the African Union in supporting the process of national reconciliation in Côte d'Ivoire,

Taking note of the message addressed to the Security Council on 10 November 2003 by the President of the Republic of Côte d'Ivoire, in which he requested the transformation of the United Nations Mission in Côte d'Ivoire (MINUCI) into a peacekeeping operation,

Noting the need for MINUCI to continue carrying out its mandate as outlined in its resolution 1479 (2003),

Affirming its readiness to consider the recommendations in the Secretary-General's report of 6 January 2004 (S/2004/3) as well as the need for a coordination of the United Nations efforts in West Africa,

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Noting with concern the continued existence of challenges to the stability of Côte d'Ivoire and *determining* that the situation in Côte d'Ivoire continues to constitute a threat to international peace and security in the region,

Acting under Chapter VII of the Charter of the United Nations,

1. *Decides* that the mandate of the United Nations Mission in Côte d'Ivoire, MINUCI, shall be extended until 27 February 2004;

2. *Decides* to renew until 27 February 2004 the authorization given to Member States participating in ECOWAS forces together with French Forces supporting them;

3. *Takes note* with appreciation of the report of the Secretary-General on Côte d'Ivoire of 6 January 2004;

4. *Calls* on the signatories of the Linas-Marcoussis Agreement to carry out expeditiously their responsibilities under the Linas-Marcoussis Agreement;

5. *Further calls* on the signatories to take the steps called for by the Secretary-General in paragraph 86 of his report, and *expresses* its readiness to help them to achieve lasting peace and stability;

6. *Requests* the Secretary-General, pending a decision by the Security Council on the reinforcement of the United Nations presence in Côte d'Ivoire as recommended by paragraph 61 of the Secretary-General's report, to prepare the possible deployment of a peacekeeping operation within five weeks after such decision by the Council;

7. *Decides* to remain actively seized of the matter.

United Nations A/58/699–S/2004/83

General Assembly
Security Council

Distr.: General
3 February 2004
English
Original: Arabic

General Assembly
Fifty-eighth session
Agenda item 37
The situation in the Middle East

Security Council
Fifty-ninth year

Letter dated 28 January 2004 from the Permanent Representative of Lebanon to the United Nations addressed to the Secretary-General

On instructions from my Government, I have the honour to transmit herewith a summary of recent Israeli violations and acts of aggression against Lebanon.

19 January 2004

Between 1057 and 1125 hours, 10 Israeli warplanes flew over the sea in a northerly direction, and over Bint Jubayl, Kafr Killa, Jubayl, Baalbeck and Hermel, breaking the sound barrier and violating Lebanese airspace.

Between 1100 and 1200 hours, the Israeli airforce flew over the occupied Shab'a farmlands at medium altitude. It also overflew, at various altitudes, areas in the north, Mount Lebanon, the Bekaa and the south.

At 1425 hours, the Israeli airforce overflew the Bint Jubayl area, breaking the sound barrier. It then returned and at 1850 hours flew over the same location, violating Lebanese airspace.

Between 1127 and 1215 hours, four Israeli warplanes flew over the area of Kafr Killa heading northwards and the Bayt al-Din area, circled between the south and Bayt al-Din and then returned northwards off the city of Tyre, violating Lebanese airspace.

Between 1535 and 1710 hours, two Israeli reconnaissance aircraft flew over the sea west of Damur, heading east at a distance of 12 miles from the coast and approached the Bekaa, Jibb Janin and Anjar up to a distance of two miles from the Lebanese-Syrian border. They then flew over the area of Shtura heading south and circled between the town of Zahlah and the village of Jibb Janin, violating Lebanese airspace.

Between 1845 and 0105 hours, an Israeli reconnaissance aircraft flew over the sea off Jubayl at a distance of 11 miles from the coast, heading eastwards at an

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altitude of 27,000 feet, and circled over the sea between Jounieh and Shikka at a distance of between 5 and 10 miles from the coast, violating Lebanese airspace.

20 January 2004

At 1044 hours, enemy forces directed several bursts of light-machine-gun fire at the surrounding areas from their base at Zibdin in the occupied Shab'a farmlands.

At 1730 hours, outlying areas of the village of Zibqin in the district of Tyre were subjected to an attack by the Israeli air force, which did not result in any casualties.

Between 1743 and 1820 hours, four Israeli warplanes flew northwards over the Shab'a area, then proceeded west to a distance of 10 miles from the coast, circled between the land and the sea over the cities of Sidon and Tyre as far as Shab'a, and attacked outlying areas of the villages of Zibqin, Alman, Shumriyyah, Qusayr and Jibal al-Butm, firing three ground-to-air missiles and violating Lebanese airspace.

Between 1755 and 1845 hours, an Israeli reconnaissance aircraft flew northwards over the area of Alma al-Sha'b circling over areas of the south and violating Lebanese airspace.

At 1805 hours, the Israeli air force attacked locations in the villages of Yatar, Zibqin and Mahallah Marimin, which is a military zone belonging to the Islamic resistance.

Between 1830 and 1910 hours, two Israeli enemy helicopters flew over the occupied Shab'a farmlands.

At 1845 hours, the enemy forces directed several bursts from medium-range weapons at the surrounding area from their position at Ruwaysat al-Alam in the occupied Shab'a farmlands.

At 1920 hours, the Israeli enemy forces directed several bursts from medium-range weapons at the surrounding area from their position at Summaqah.

Between 2140 and 2155 hours, enemy forces fired five 120-mm calibre mortar shells from their position at Zibdin in the occupied Shab'a farmlands which fell in the farmlands in the vicinity of the Birkat al-Naqqar.

At 1950 hours, explosions were heard in the occupied Shab'a farmlands, the cause and nature of which are unknown.

21 January 2004

Between 0035 and 0415 hours, an Israeli reconnaissance plane flew over the sea off the city of Sidon at a distance of 10 miles from the coast, headed towards the Bekaa passing over Dahr al-Baydar circled at an altitude of 10,000 feet above the areas of Qara'oun and Anjar as far as Riyaq, violating Lebanese airspace.

At 0750 hours, the Israeli enemy forces fired two 120-mm calibre mortar shells from their position at Zibdin in the occupied Shab'a farmlands which fell in the farmlands in the vicinity of Birkat al-Naqqar.

25 January 2004

At 1450 hours, an Israeli warplane flew over the area of Alma al-Sha'b at medium altitude.

At 1535 hours, an enemy aircraft flew over the area of Bint Jubayl at high altitude.

This grave violation is part of a series of provocative and deliberate violations of the integrity of Lebanon's airspace, territorial waters and territory, in contravention of the principles of international law, the resolutions of the United Nations and the repeated calls by the Secretary-General for the cessation of such violations.

In the light of these violations and the increasingly threatening tone being used by Israel against Lebanon and against the integrity of its territory and people, Lebanon calls on the Security Council to restrain Israel and to prevent it from carrying out these violations and threats, which threaten international peace and security. Israel bears full responsibility for whatever consequences may ensue.

In calling your attention to the gravity and possible consequences of these violations, I request that this letter of complaint be circulated as a document of the General Assembly under agenda item 37, and of the Security Council.

(*Signed*) Sami **Kronfol**
Ambassador
Permanent Representative